



CITY OF CHARLESTON

Planning Commission Agenda Package

FOR THE MEETING OF :

April 19, 2017 2 George St, Charleston, SC

4:30PM - Special Meeting

5:00PM - Regular Meeting

CITY OF CHARLESTON



DEPARTMENT OF PLANNING, PRESERVATION AND SUSTAINABILITY

www.charleston-sc.gov/pc

CITY OF CHARLESTON PLANNING COMMISSION

SPECIAL MEETING & REGULAR MEETING OF APRIL 19, 2017

A Special Meeting of Planning Commission will be held at **4:30 p.m., on Wednesday, April 19, 2017** in the Public Meeting Room, 1st Floor, 2 George St. A regular meeting of the City of Charleston Planning Commission will be held following the special meeting, but no sooner than **5:00 p.m., on Wednesday, April 19, 2017** in the Public Meeting Room, 1st Floor, 2 George St. The following applications will be considered:

SPECIAL MEETING

EXECUTIVE SESSION

Planning Commission will enter into an executive session to receive a legal briefing from City of Charleston legal counsel for legal advice pertaining to potential claims related to planning and land use issues.

REGULAR MEETING

REZONINGS

1. **445 Meeting St (Peninsula) TMS# 4590901045** - approx. 2.2 ac. Request rezoning from General Business (GB) to Planned Unit Development (PUD).
Owner/Applicant: 445 Meeting Street Partners LLC
2. **445 Meeting St (Peninsula) TMS# 4590901045** - approx. 2.2 ac. Request rezoning from 80/30 and 55/30 Old City Height Districts to 100/30 Old City Height District.
Owner/Applicant: 445 Meeting Street Partners LLC
3. **350 Folly Rd (James Island) TMS# 4240500028** – 0.50 ac. Request rezoning from General Office (GO) to Limited Business (LB).
Owner: Regina Brown
Applicant: Frederick Brown
4. **67 Moultrie St (Hampton Park Terrace - Peninsula) TMS# 4600301018** – 0.26 ac. Request rezoning from Diverse Residential (DR-1F) to Commercial Transitional (CT).
Owner: Choraliers Music Club Inc
Applicant: Marlon Kimpson and Mike Gruenloh
5. **52 Line St (Peninsula) - Right-of-Way** – approx. 0.90 ac. Request zoning from unzoned area to Mixed-Use Workforce Housing (MU-2/WH).
Owner: Norfolk Southern Rail
Applicant: LS3P
6. **Boyd Hayes Rd (Johns Island) TMS# 2790000235 & 067** – 16.026 ac. Request rezoning from Conservation (C) to Commercial Transitional (CT), Limited Business (LB) & Diverse Residential (DR-6).
Owner: Nancy Ritchie, Carolyn Slay, John Hayes & Robert Hayes
Applicant: New Leaf Builders

SUBDIVISIONS

1. **Murraywood Rd (Johns Island) TMS# 3120000026 & 182** – 2.71 ac. 9 lots. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1) and Single- & Two-Family Residential (STR).
Owner: Mama Lil, LLC
Applicant: Atlantic South Consulting Services
2. **The Cottages, Phase 3 (River Rd – Johns Island) TMS# 3120000125** – 15.3 ac. 60 lots. Request subdivision concept plan approval. Zoned Planned Unit Development (PUD).
Owner: Johns Coastal Ventures LLC / D.R. Horton
Applicant: Civil Site Environmental
3. **Woodbury Park, Phase 3 (Marlin Road – Johns Island) TMS# 3130000048** – 6.9 ac. 21 lots. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1).
Owner: Five Lakes, LLC
Applicant: HLA, Inc. Engineering & Land Surveying
4. **Johnston Point, Phase 2 (Murraywood Road – Johns Island) TMS# 3120000023 & 024** – 14.0 ac. 50 lots. Request subdivision concept plan approval. Zoned Single-Family Residential (SR-1).
Owner: Kenneth Gervais
Applicant: Thomas & Hutton Engineering Co.
5. **Essex Farms Single Family (Essex Farms Drive – West Ashley) TMS# 3090000003** – 2.6 ac. 9 lots. Request subdivision concept plan approval. Zoned Planned Unit Development (PUD).
Owner: Pulte Group, Inc.
Applicant: Thomas & Hutton Engineering Co.
6. **Pine Log Lane Cluster (Brownswood Road – Johns Island) TMS# 3120000008 & 009** – 29.9 ac. 73 lots. Request subdivision concept plan approval. Zoned Rural Residential (RR-1) and Single-Family Residential (SR-1).
Owner: Lennar Communities of Carolinas, Inc.
Applicant: Thomas & Hutton Engineering Co.
7. **Carolina Bay, Phase 15 (Rutherford Way – West Ashley) TMS# 3090000054** – 18.4 ac. 26 lots. Request subdivision concept plan approval. Zoned Planned Unit Development (PUD).
Owner: Pulte Home Company, LLC
Applicant: Seamon, Whiteside & Associates, Inc.

ZONINGS

1. **1844 Produce Ln (Johns Island) TMS# 3130000157** – 0.65 ac. Request zoning of Diverse Residential (DR-2). Zoned Maybank Hwy Corridor Overlay District (OD-MHC) in Charleston County.
Owner: Estate of Mary Lurie Hewett
2. **113 Riverland Dr (James Island) TMS# 3430100006** – 0.55 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
Owner: Mary and James Gatch
3. **2205 Ramsay Dr (James Island) TMS# 3430500125** – 0.25 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
Owner: Edward Mungo
4. **2413 Spring Garden St (West Ashley) TMS# 3091400039** – 0.29 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
Owner: Joyce H. Murray

5. **822 Playground Rd (West Ashley) TMS# 4180500302** – 0.23 ac. Request zoning of Single-Family Residential (SR-1). Zoned Single-Family Residential (R-4) in Charleston County.
Owner: Harriett S. Pinckney

ORDINANCE AMENDMENTS

1. An ordinance to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by adding to Article 9, Administration and Enforcement, a new part 6, Temporary Moratorium.** (Related to the Church Creek Drainage Basin)
2. An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **pertaining to Article 2, Part 15 – Mixed Use 1 - Workforce Housing District and Mixed Use 2 - Workforce Housing District.**
3. Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) **by amending Section 54-220 (b) (1) pertaining to the list of criteria considered for an exception to be granted by the Board of Zoning Appeals for an accommodations use within the Accommodations Overlay Zone.**

APPROVAL OF MINUTES

Approval of minutes from previous meetings.

REPORT OF THE TECHNICAL REVIEW COMMITTEE

Over the past month, the following subdivision projects were submitted to the TRC for review and approval. The findings of the TRC shall be presented to the Planning Commission. Items approved by the TRC comply with all applicable regulations and standards of the City of Charleston.

Preliminary & Final Plats

1. **Stonoview, Phase 4 (Johns Island) TMS# 3450000073 & 163** – 87.7 ac. 171 lots. PUD. Preliminary subdivision plat under review.
2. **Lucky Road (James Island) TMS# 3410000026 & 103** – 3.2 ac. 3 lots. SR-1. Final subdivision plat pending approval.
3. **Huger Street (Peninsula) TMS# 4631604017** – 2.9 ac. 2 lots. MU-2/WH. Final subdivision plat pending approval.
4. **Stonoview, Phase 3 (Johns Island) TMS# 3150000120** – 19.0 ac. 45 lots. PUD. Final subdivision plat under review.
5. **Donnie Lane (James Island) TMS# 4270000086** – 0.8 ac. 3 lots. SR-1. Preliminary subdivision plat pending approval.
6. **The Gardens at Riverview Farms (Johns Island) TMS# 3120000062 & 169** – 24.6 ac. 83 lots. PUD. Final subdivision plat pending approval.
7. **Nabors Drive Townhomes (James Island) TMS# 4281600013, 046-048, 052** – 3.9 ac. 25 lots. DR-9. Preliminary subdivision plat pending approval.
8. **Floyd Drive (West Ashley) TMS# 3010000027** – 10.8 ac. 2 lots. GB & GP. Preliminary subdivision plat under review.
9. **Essex Village (West Ashley) TMS# 3090000003** – 12.7 ac. 41 lots. PUD. Preliminary subdivision plat pending approval.
10. **Heritage Oaks, Phase 2 (James Island) TMS# 3370000457** – 2.9 ac. 14 lots. SR-3. Final subdivision plat pending approval.
11. **Rivers Point Row (James Island) TMS# 4250700179** – 1.3 ac. 16 lots. GB. Preliminary subdivision plat stamped.
12. **Tidal View Lane (James Island) TMS# 4280000015** – 2.7 ac. 2 lots. SR-2. Final subdivision plat recorded.

13. **Maybank Village, Phase 3 (Johns Island) TMS# 3130000248** – 10.3 ac. 35 lots. GB. Preliminary subdivision plat pending approval.
14. **William E. Murray Boulevard (West Ashley) TMS# 3060000012 & 933** – 22.2 ac. 4 lots. GB. Final subdivision plat pending approval.
15. **Oakfield, Phase 4 (Johns Island) TMS# 2780000043** – 87.8 ac. 62 lots. PUD. Final subdivision plat pending approval.
16. **1466 River Road (Johns Island) TMS# 3120000069** – 5.1 ac. 4 lots. DR-6. Final subdivision plat pending approval.
17. **Grand Oaks, Phase 4 (West Ashley) TMS# 3010000694** – 11.3 ac. 9 lots. PUD. Final subdivision plat pending approval.
18. **The Village at Point Hope (Cainhoy) TMS# 2620000008** – 21.6 ac. 2 lots. PUD. Preliminary subdivision plat stamped. Final subdivision plat pending approval.
19. **Oak Bluff, Phase 1A (Cainhoy) TMS# 2690000043** – 12.4 ac. 33 lots. SR-1. Final subdivision plat recorded.
20. **Overture Coburg Road (West Ashley) TMS# 3490800001 & 3491200011** – 29.2 ac. 2 lots. SR-1. Final subdivision plat under review.
21. **Woodbury Park, Tract 3 (Johns Island) TMS# 3130000048** – 49.1 ac. 2 lots. SR-1. Final subdivision plat under review.

Road Construction Plans

1. **Rhodes Crossing (West Ashley) TMS# 2860000001** – 52.1 ac. 3 lots. LB & DR-1F. Road construction plans pending approval.
2. **Sanders Road Townhomes (West Ashley) TMS# 2860000001** – 22.3 ac. 107 lots. DR-9. Road construction plans pending approval.
3. **Clements Ferry Road Widening, Phase 2 (Cainhoy)** – Road construction plans pending approval.
4. **Nabors Drive Townhomes (James Island) TMS# 4281600013, 046-048, 052** – 3.9 ac. 25 lots. DR-9. Road construction plans under review.
5. **Essex Village (West Ashley) TMS# 3090000003** – 12.7 ac. 41 lots. PUD. Road construction plans under review.
6. **Oakfield, Phase 5A (Johns Island) TMS# 2780000043** – 32.3 ac. 57 lots. PUD. Road construction plans pending approval.
7. **Oakfield, Phase 5B (Johns Island) TMS# 2780000128** – 25.1 ac. 57 lots. PUD. Road construction plans under review.
8. **Maybank Village, Phase 3 (Johns Island) TMS# 3130000248** – 10.3 ac. 35 lots. GB. Road construction plans pending approval.

Individuals with questions concerning the above items should contact the Department of Planning, Preservation and Sustainability at (843) 724-3765. Files containing information pertinent to the above applications are available for public review at the City of Charleston Zoning Office, 2 George St, Third Floor, during regular working hours, 8:30 a.m. to 5:00 p.m., daily except Saturdays, Sundays, and holidays. Additional information on these cases may also be obtained by visiting www.charleston-sc.gov/pc. In accordance with the Americans with Disabilities Act, people who need alternative formats, ASL (American Sign Language) Interpretation or other accommodation please contact Janet Schumacher at (843) 577-1389 or email to schumacherj@charleston-sc.gov three business days prior to the meeting.

CITY OF CHARLESTON PLANNING COMMISSION

April 19, 2017

Zoning 3 :

350 Folly Rd (James Island)

BACKGROUND

The applicant is requesting rezoning from General Office (GO) to Limited Business (LB). The property, located on the east side of Folly Road near Cross Creek Drive, is surrounded by General Business (GB) and LB zonings in the City. To the rear of the property are single-family homes zoned Single-Family Residential (R-4) in Charleston County. Surrounding uses include a dry cleaner, an automotive repair and gas station, a small brewery, offices and fast food.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends keeping the character of established areas in the City when considering the zoning of property. The Century V Plan map indicates the subject property is within an area designated as **Highway District**. Areas designated as such are more automotive intensive commercial uses although office and residential uses in a more urban format would be appropriate as well. Given the existing surrounding uses of higher or similar commercial intensity, the requested Limited Business (LB) zoning is appropriate for this site.

STAFF RECOMMENDATION

APPROVAL

Rezoning 3

350 Folly Rd (James Island)

TMS# 4240500028

0.50 ac.

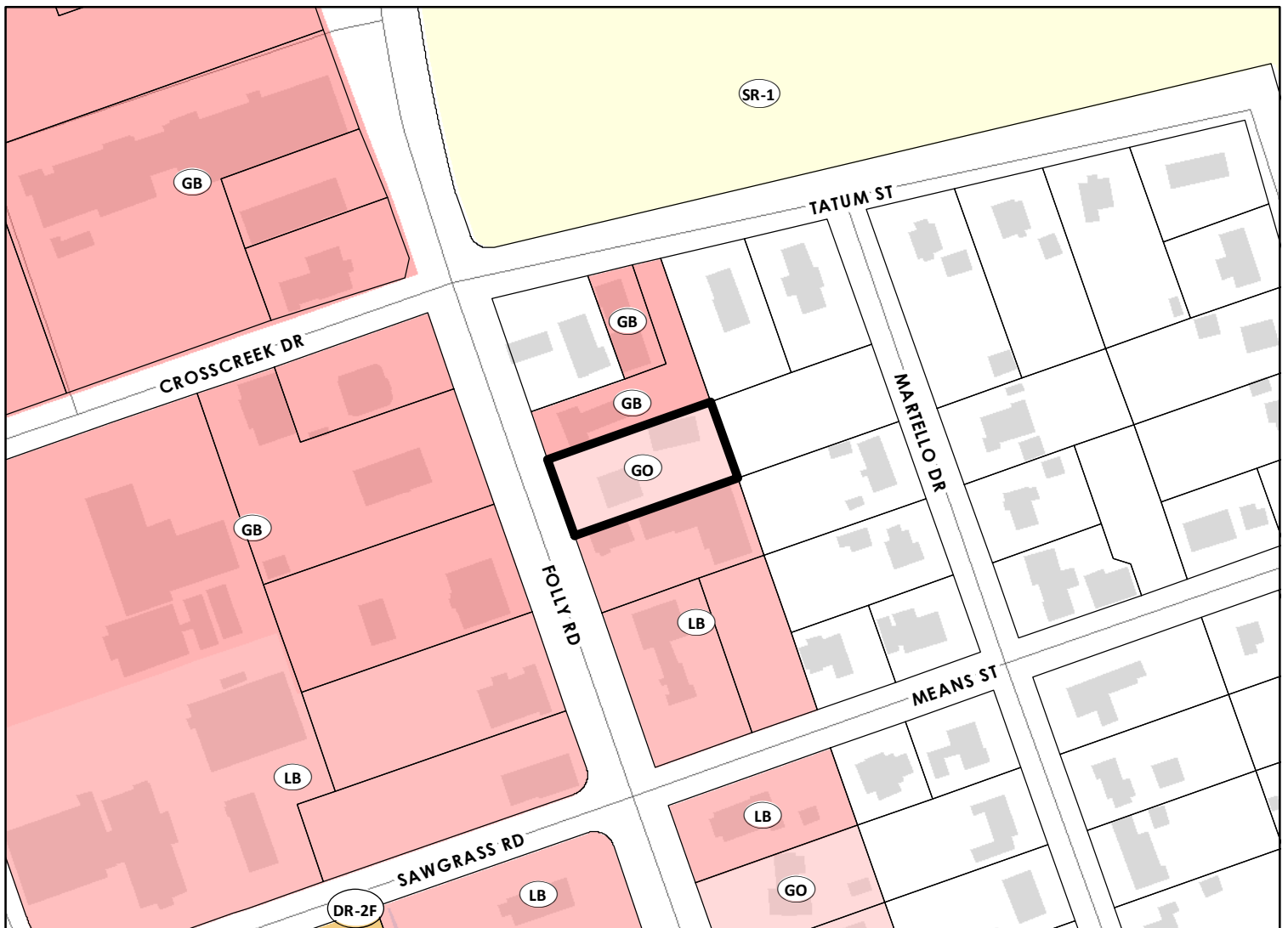
Request rezoning from General Office (GO)
to Limited Business (LB).

Owner: Regina Brown
Applicant: Frederick Brown

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

April 19, 2017

Rezoning 4 :

67 Moultrie St (Hampton Park Terrace - Peninsula)

BACKGROUND

The applicant is requesting a rezoning from Diverse Residential (DR-1F) to Commercial Transitional (CT). The property is located on the south side of Moultrie Street between Rutledge Avenue and Ashley Avenue across from Hampton Park. The subject property is surrounded on two sides by General Business zoning and on one side by DR-1F zoning and Conservation zoning. Adjacent uses include a residential duplex home to the west, a bank to east, a former shopping center converted into offices to the south and ball fields to the north (Hampton Park). The neighborhood (Hampton Park Terrace) in which the subject parcel resides consists of mostly residential uses but there are several commercial, institutional and civic uses on the busier streets such as Rutledge Avenue and Huger Street.

The subject property is occupied by a large, two-story house with a few parking spaces located to the rear of the lot.

The Commercial Transitional (CT) zoning district was intended to protect, preserve and enhance residential areas while allowing commercial uses which are compatible with the adjacent residential areas. In addition to allowing a limited number of commercial uses, the size and hours of operation of certain uses are restricted. While appropriate for many corner locations in Charleston peninsula neighborhoods, the CT was not intended to be the predominant zoning on residential streets and blocks.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning or rezoning of property. The plan also encourages a mixture of uses in appropriate areas. The Century V Plan map indicates the subject property is in an area designated as **Urban** which is mixed-use but primarily residential in this area. The zoning request of CT would extend the potential for intense commercial uses beyond the main street of Rutledge Avenue and potentially lead to further encroachment into the residential block. Given the residential context and the existing residential structure, the Residential Office zoning district would be a more appropriate zoning by maintaining the residential character of this particular block while allowing limited commercial uses.

STAFF RECOMMENDATION

APPROVAL FOR RESIDENTIAL OFFICE (RO)

Rezoning 4

67 Moultrie St (Hampton Park Terrace - Peninsula)

TMS# 4600301018

0.26 ac.

Request rezoning from Diverse Residential (DR-1F)
to Commercial Transitional (CT).

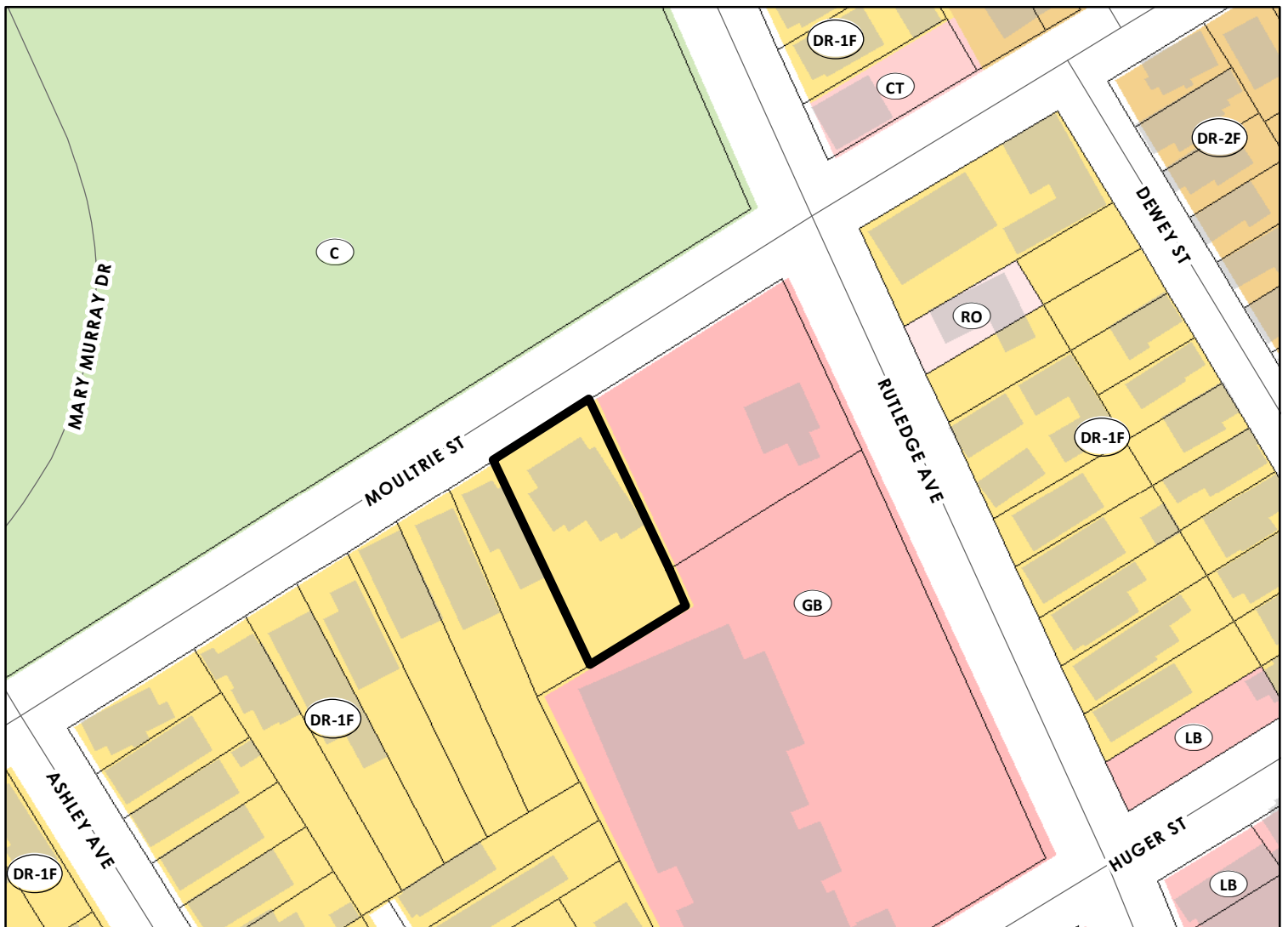
Owner: Choraliers Music Club Inc. □

Applicant: Marlon Kimpson and Mike Gruenloh

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

April 19, 2017

Rezoning 5 :

52 Line St (Peninsula) - Right-of-Way

BACKGROUND

The applicant is requesting zoning of the property from un-zoned right-of-way to Mixed-Use/Workforce Housing (MU-2/WH). The area to be zoned is being conveyed from Norfolk Southern Rail Co. to a new owner and will be platted and recorded as real property. The subject property is located on the north side of Line Street between King Street and Meeting Street and adjacent to the ramp from the Septima Clark Parkway onto Interstate 26. The property is a potential urban infill development site surrounded by Light Industrial (LI) zoning, Mixed-Use/Workforce Housing zoning and General Business (GB) zoning. Much of this urban block has already been rezoned to MU-2/WH.

Surrounding uses vary widely as there are a blend of historic and modern uses and buildings in the immediate area. Existing surrounding uses include the adjacent semi-abandoned railroad, mini-storage, the Post and Courier offices and presses, restaurants, single and multi-family homes, surface parking lots and large and small vacant lots. The new mixed-use Post and Courier building is under construction across the street. The subject property is mostly vacant but has a "stealth" communications tower on it.

The Mixed-Use/Workforce Housing (MU-2/WH) zoning district allows for a mix of uses that incorporates housing opportunities for persons of varying means and incomes, along with complementary nonresidential uses. The permitted uses in MU-2/WH are the same as those allowed in GB.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** encourages appropriate infill development within already urbanized areas. The Century V Plan map indicates the subject properties are within an area designated as **Urban Core**. The Urban Core is the densest, most mixed-use portion of the City generally comprised of the central business district. The area of the peninsula surrounding the subject properties consists of a wide variety of appropriate urban uses and building types thus the MU-2/WH zone district is appropriate for these properties.

STAFF RECOMMENDATION

APPROVAL

Rezoning 5

52 Line St (Peninsula)

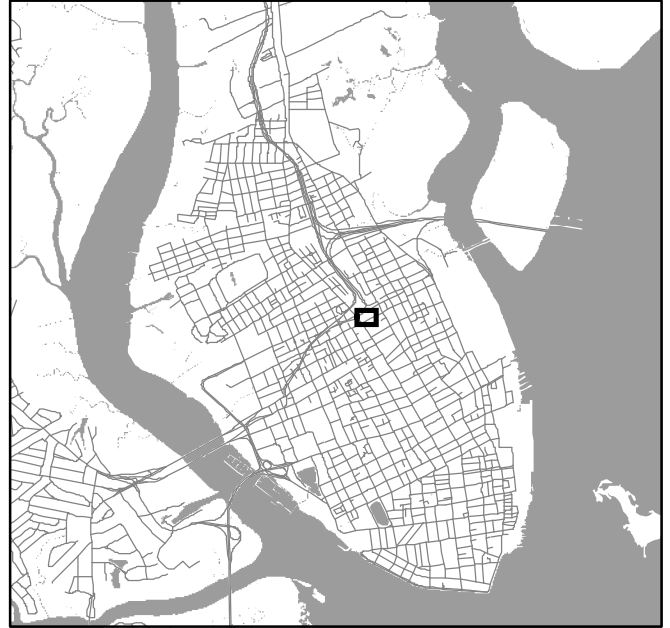
Right-of-Way

approx. 0.90 ac.

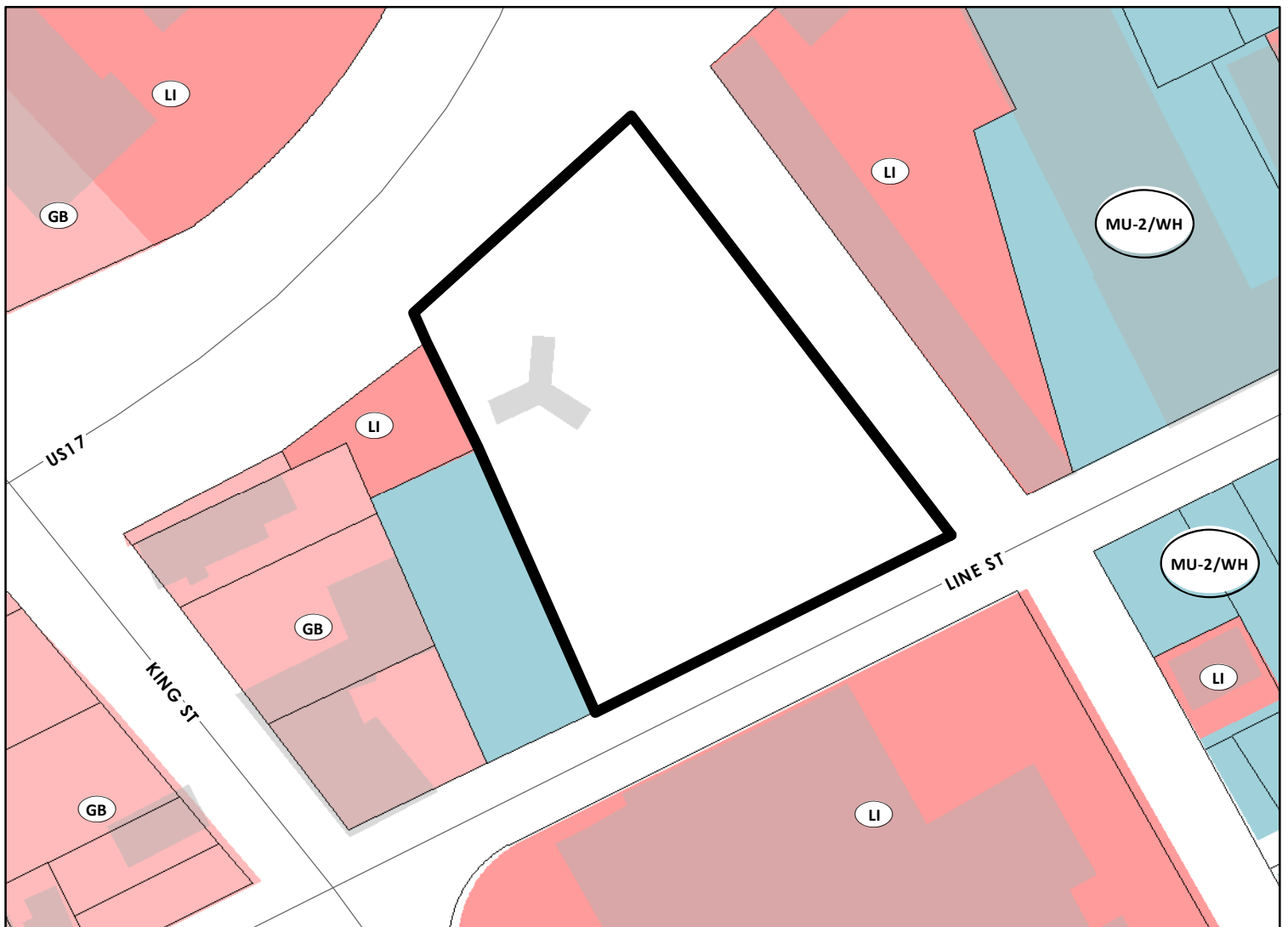
Request zoning from unzoned area
to Mixed-Use Workforce Housing (MU-2/WH).

Owner: Norfolk Southern Rail
Applicant: LS3P

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

April 19, 2017

Rezoning 6 :

Boyd Hayes Rd (Johns Island)

BACKGROUND

The applicant is requesting rezoning from Conservation (C) to Commercial Transitional (CT), Limited Business (LB) & Diverse Residential (DR-6). The properties are located on the north side of Maybank Highway across from the Johns Island branch of the Charleston County Library. The properties are surrounded by General Business (GB), General Office (GO), and Single-Family Residential (SR-4 & SR-1) zonings. The property is bisected by Boyd N. Hayes Road, a privately owned and maintained right-of-way. Surrounding uses include the library across the street, a car wash across the street, a medical office to the east and several large-acre vacant lots. The Bi-Lo shopping center at Maybank/Main is a few hundred feet to the west.

The applicant is requesting rezoning of portions of the property fronting on Maybank Highway to be commercial while the majority would be residential. The request includes approximately 3.7 acres (of the total 16 acres) to be rezoned to Commercial Transitional (CT), about 0.85 acres to be rezoned to Limited Business (LB) and the rest of the property on the back to be rezoned to Diverse Residential (DR-6) which allows a maximum residential density of 6 units per acre.

As was common a few decades ago, a Conservation zoning district was put on the property when it was annexed as more-or-less a "holding" zoning until appropriate development on the property was proposed.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends keeping the character of established areas in the City when considering the rezoning of property. The Century V Plan map indicates the front portion of the subject property is within an area designated as **Neighborhood Center**. Areas designated as such typically include a diversity of uses, building types and residential densities. The rear portion is designated as **Suburban**, which is predominantly residential with densities ranging from 4 to 8 units per acre. Given the plan map designation and the existing mixed-use character of the area, the CT, LB and DR-6 zonings are appropriate for this area.

STAFF RECOMMENDATION

APPROVAL

Rezoning 6

Boyd Hayes Rd (Johns Island)

TMS# 2790000235 & 067

16.026 ac.

Request rezoning from Conservation (C)
to Commercial Transitional (CT),
Limited Business (LB) & Diverse Residential (DR-6).

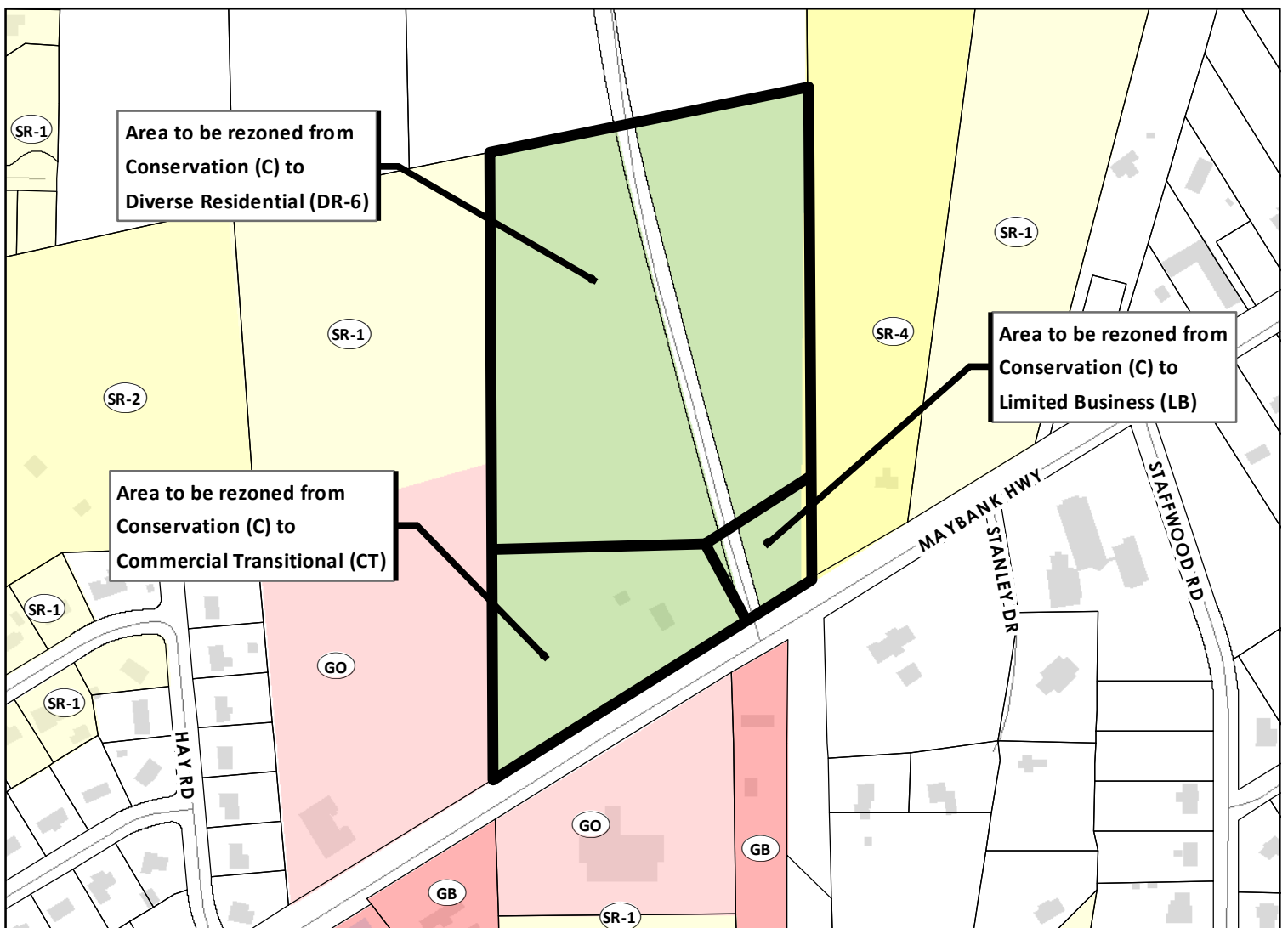
Owner: Nancy Ritchie, Carolyn Slay, John Hayes
& Robert Hayes

Applicant: New Leaf Builders

Area



Location



**CITY OF CHARLESTON
PLANNING COMMISSION**

April 19, 2017

Subdivision 1:

**Murraywood Road
(Johns Island)**

BACKGROUND

The applicant is requesting subdivision concept plan approval for 2.71 acres on Murraywood Road on Johns Island. This project consists of the creation of a new right-of-way to serve nine parcels for single-family detached homes. The proposed right-of-way is typical for Local Single-Family Residential Access Streets and the new parcels conform to the subdivision requirements for new parcels in the SR-1 and STR zone districts. There are no jurisdictional wetlands or critical area on or adjacent to this site. There are grand trees on the site and any grand tree impacts will require approval by the Board of Zoning Appeals – Site Design. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Single-Family Residential (SR-1) and Single- and Two-Family Residential (STR), which allow single-family and two-family residential uses and allow 4.8 and 7.3 single-family dwelling units per net acre, respectively. The surrounding existing uses include primarily single-family uses.

STAFF RECOMMENDATION

APPROVAL WITH CONDITIONS

Subdivision 1

Murraywood Rd (Johns Island)

TMS# 3120000026 & 182

2.71 ac.

**9 lots. Request subdivision concept plan approval.
Zoned Single-Family Residential (SR-1)
and Single- & Two-Family Residential (STR).**

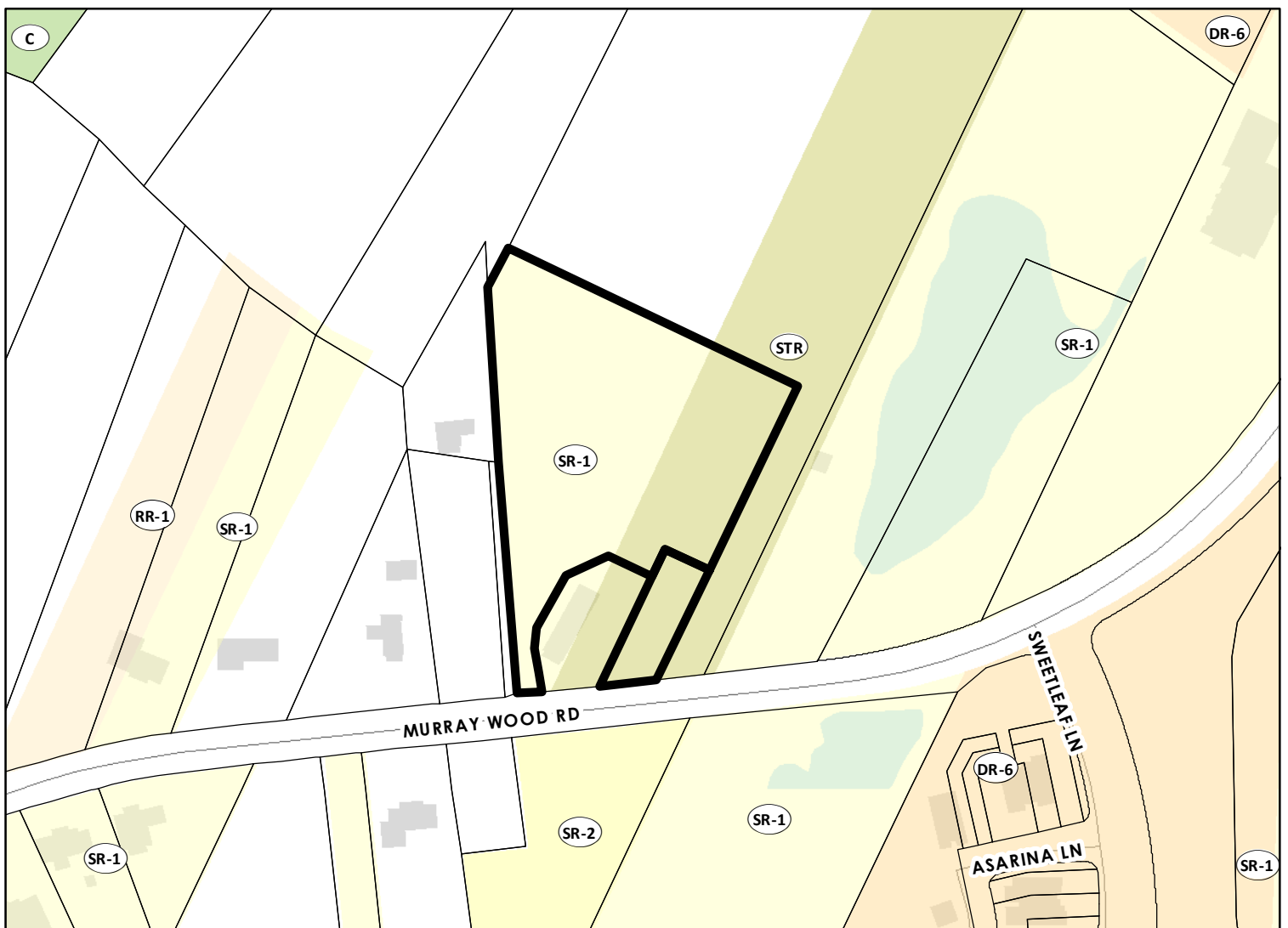
Owner: Mama Lil, LLC

Applicant: Atlantic South Consulting Services

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

April 19, 2017

Subdivision 2:

The Cottages, Phase 3 (River Road – Johns Island)

BACKGROUND

The applicant is requesting subdivision concept plan approval for Phase 3 of The Cottages Development, which consists of 15.3 acres on River Road on Johns Island. The proposed subdivision includes the creation of new rights-of-way to serve 60 parcels for single-family detached and attached homes. The proposed rights-of-way are typical for Residential Streets in the PUD and the new parcels conform to the subdivision requirements for new parcels in the PUD. There are jurisdictional wetlands on this site, which are not proposed to be impacted by this development. There are also grand trees on the site and any grand tree impacts will require approval by the Board of Zoning Appeals – Site Design. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Planned Unit Development (PUD), which allows the single-family residential use. The surrounding existing uses include primarily single-family residential.

STAFF RECOMMENDATION

APPROVAL WITH CONDITIONS

Subdivision 2

The Cottages, Phase 3 (River Rd – Johns Island)

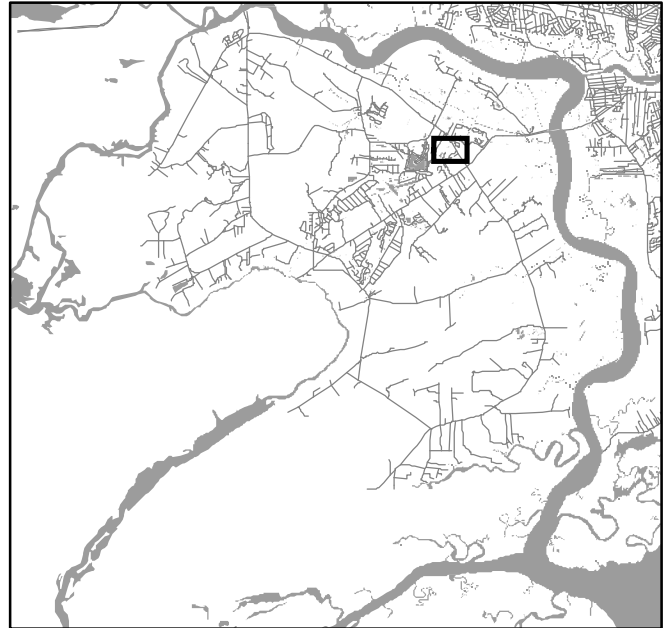
TMS# 3120000125

15.3 ac.

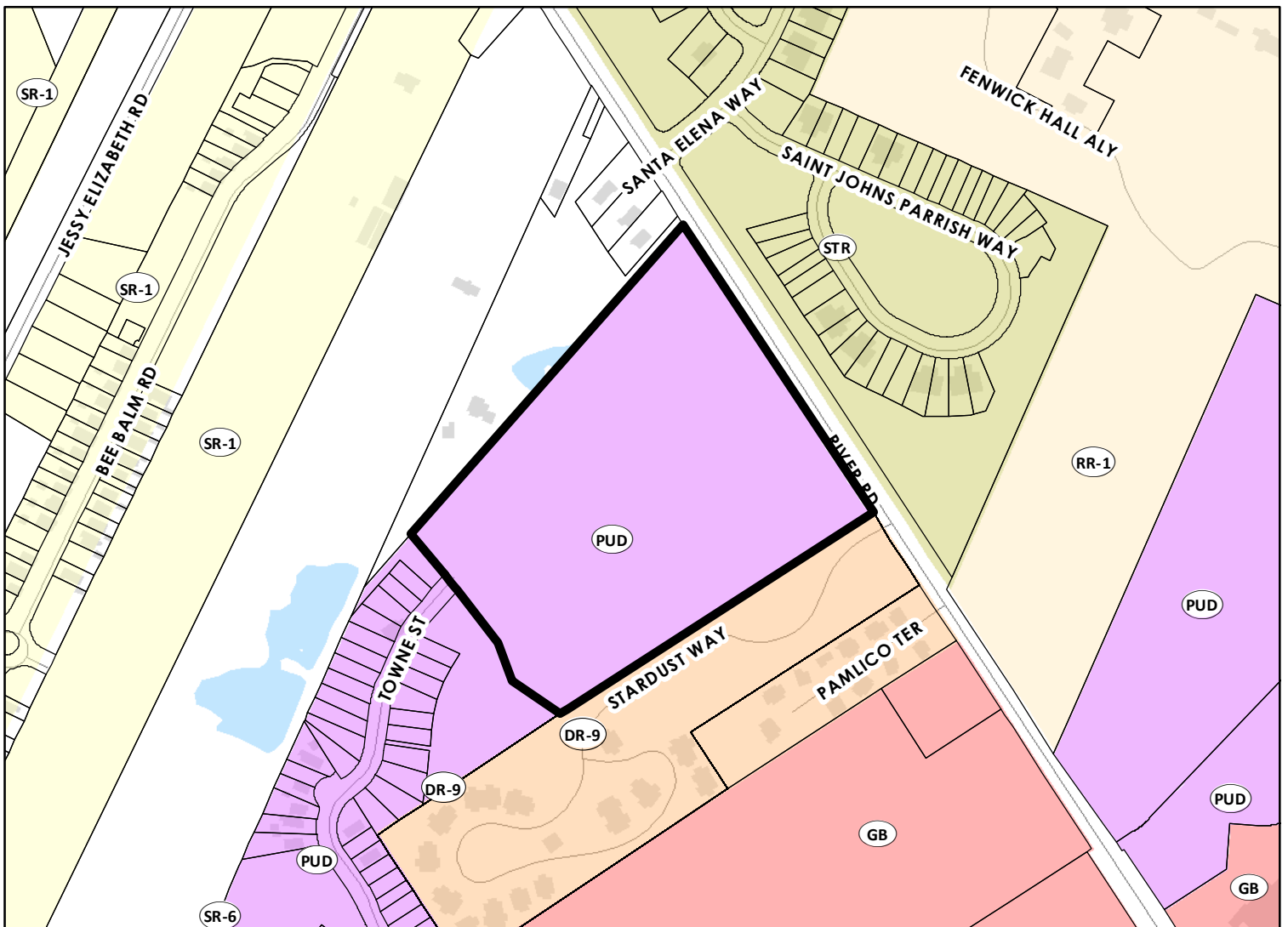
60 lots. Request subdivision concept plan approval.
Zoned Planned Unit Development (PUD).

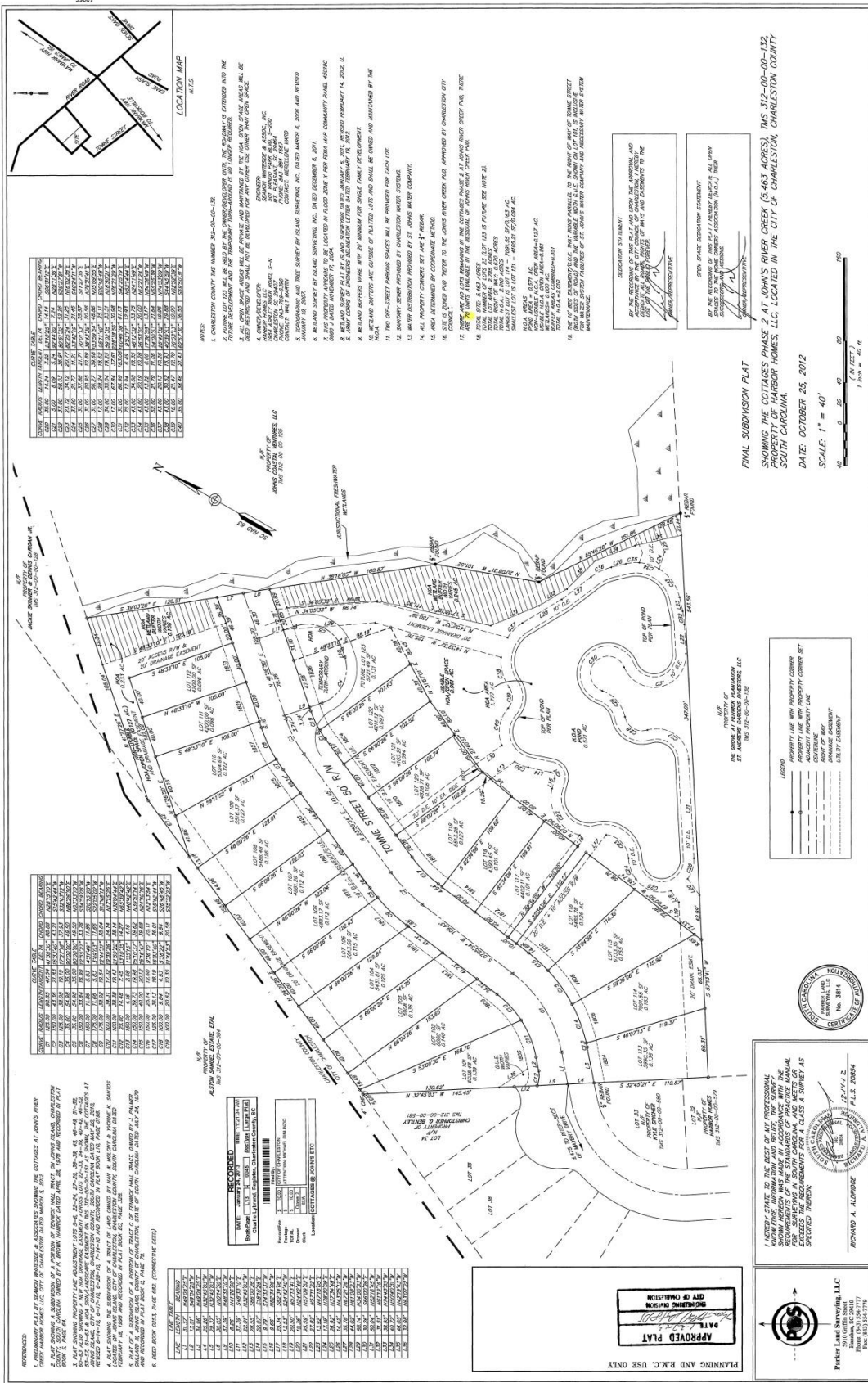
Owner: Johns Coastal Ventures LLC / D.R. Horton
Applicant: Civil Site Environmental Inc

Area



Location





CITY OF CHARLESTON PLANNING COMMISSION

April 19, 2017

Subdivision 3:

Woodbury Park, Phase 3 (Marlin Road – Johns Island)

BACKGROUND

The applicant is requesting subdivision concept plan approval for Phase 3 of the Woodbury Park development. Phase 3 consists of 6.9 acres between Marlin Road and Hamrick Lane on Johns Island and includes the creation of new rights-of-way to serve 21 parcels for single-family detached homes. The proposed rights-of-way are typical for Local Single-Family Residential Access Streets and the new parcels conform to the subdivision requirements for new parcels in the SR-1 zone district. There are grand trees on the site and any grand tree impacts will require approval by the Board of Zoning Appeals – Site Design. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Single-Family Residential (SR-1), which allows the single-family residential use with a maximum density of 4.8 dwelling units per net acre. The surrounding existing uses include primarily single-family residential.

STAFF RECOMMENDATION

APPROVAL WITH CONDITIONS

Subdivision 3

Woodbury Park, Phase 3 (Marlin Road – Johns Island)

TMS# 3130000048

6.9 ac.

21 lots. Request subdivision concept plan approval.
Zoned Single-Family Residential (SR-1).

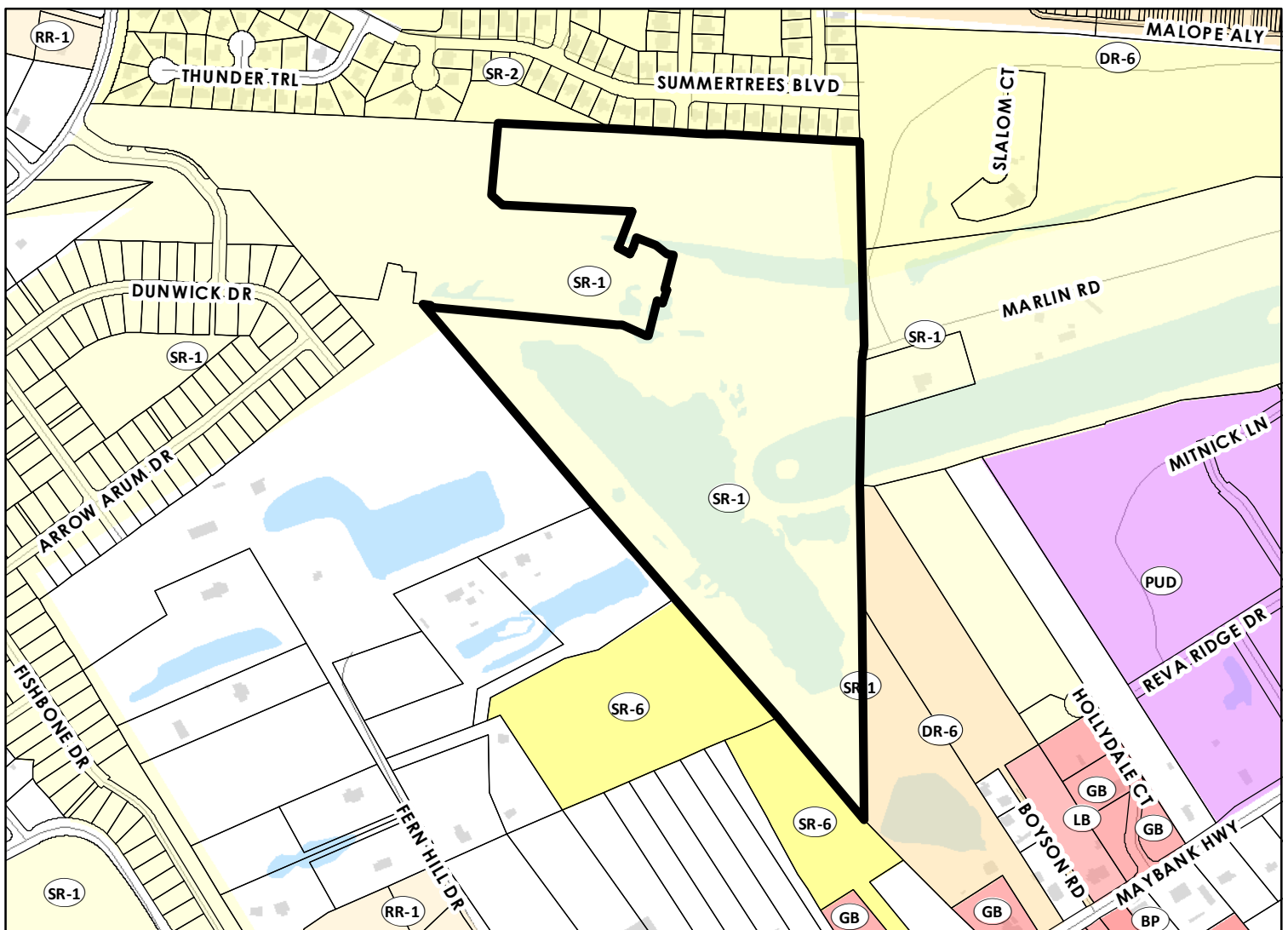
Owner: Five Lakes, LLC

Applicant: HLA, Inc. Engineering & Land Surveying

Area



Location





**CITY OF CHARLESTON
PLANNING COMMISSION**

April 19, 2017

Subdivision 4:

**Johnston Point, Phase 2
(Murraywood Road – Johns Island)**

BACKGROUND

The applicant is requesting subdivision concept plan approval for a cluster development consisting of 14.0 acres on Murraywood Road on Johns Island, adjacent to the Whitney Lake development. The proposed subdivision includes the creation of new rights-of-way to serve 50 parcels for single-family detached homes. The proposed rights-of-way are typical for Local Single-Family Residential Access Streets and Alleys and the new parcels conform to the subdivision requirements for cluster developments. There are jurisdictional wetlands on this site, impacts to which have been permitted by the USACOE. There are also grand trees on the site and the grand tree impacts have received approval by the Board of Zoning Appeals – Site Design. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Single-Family Residential (SR-1), which allows the single-family residential use and the cluster development with a maximum density of 4.8 units per acre. The surrounding existing uses include primarily single-family residential uses.

STAFF RECOMMENDATION

APPROVAL WITH CONDITIONS

Subdivision 4

Johnston Point, Phase 2
(Murraywood Road – Johns Island)

TMS# 3120000023 & 024

14.0 ac.

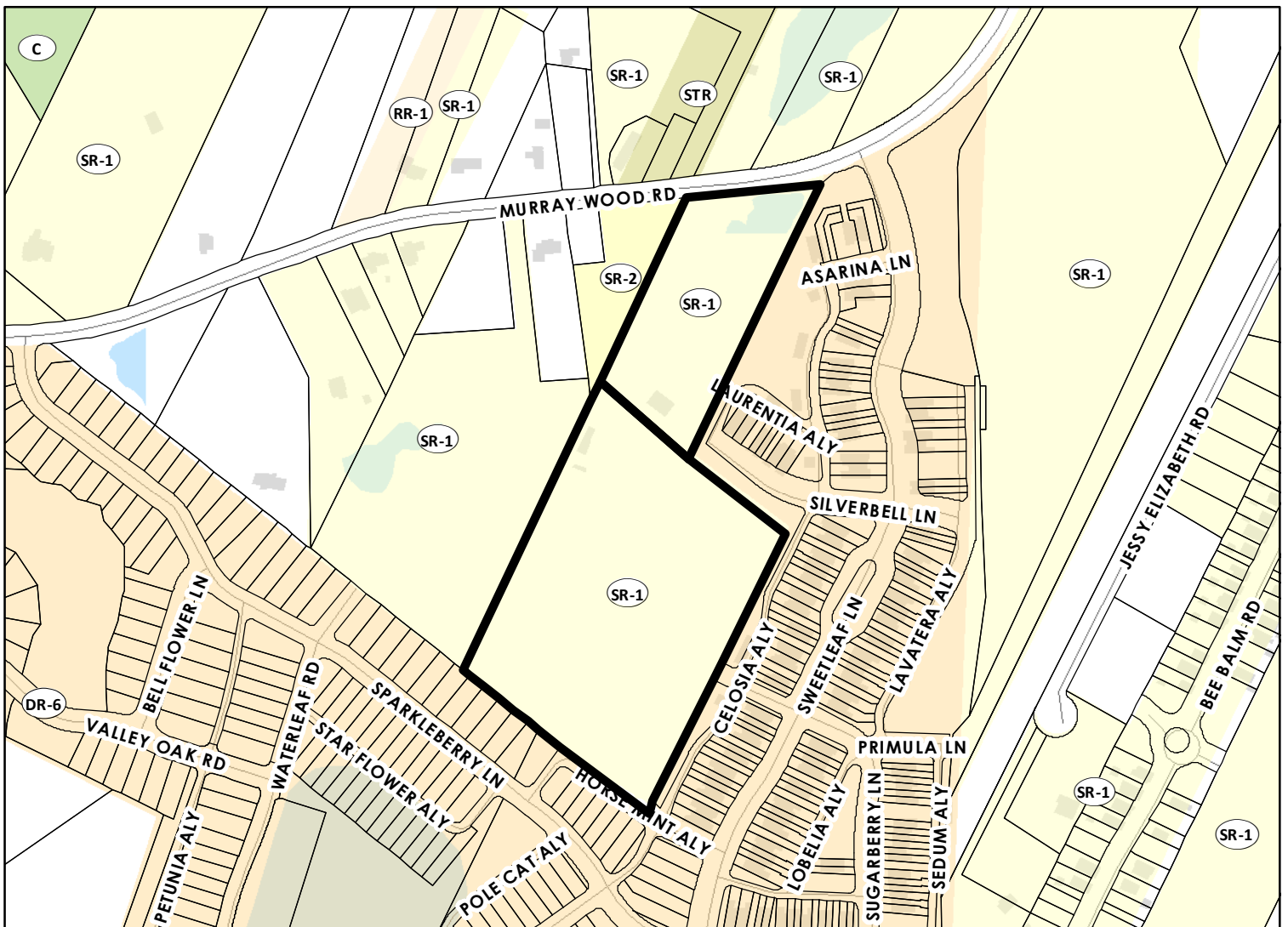
50 lots. Request subdivision concept plan approval.
Zoned Single-Family Residential (SR-1).

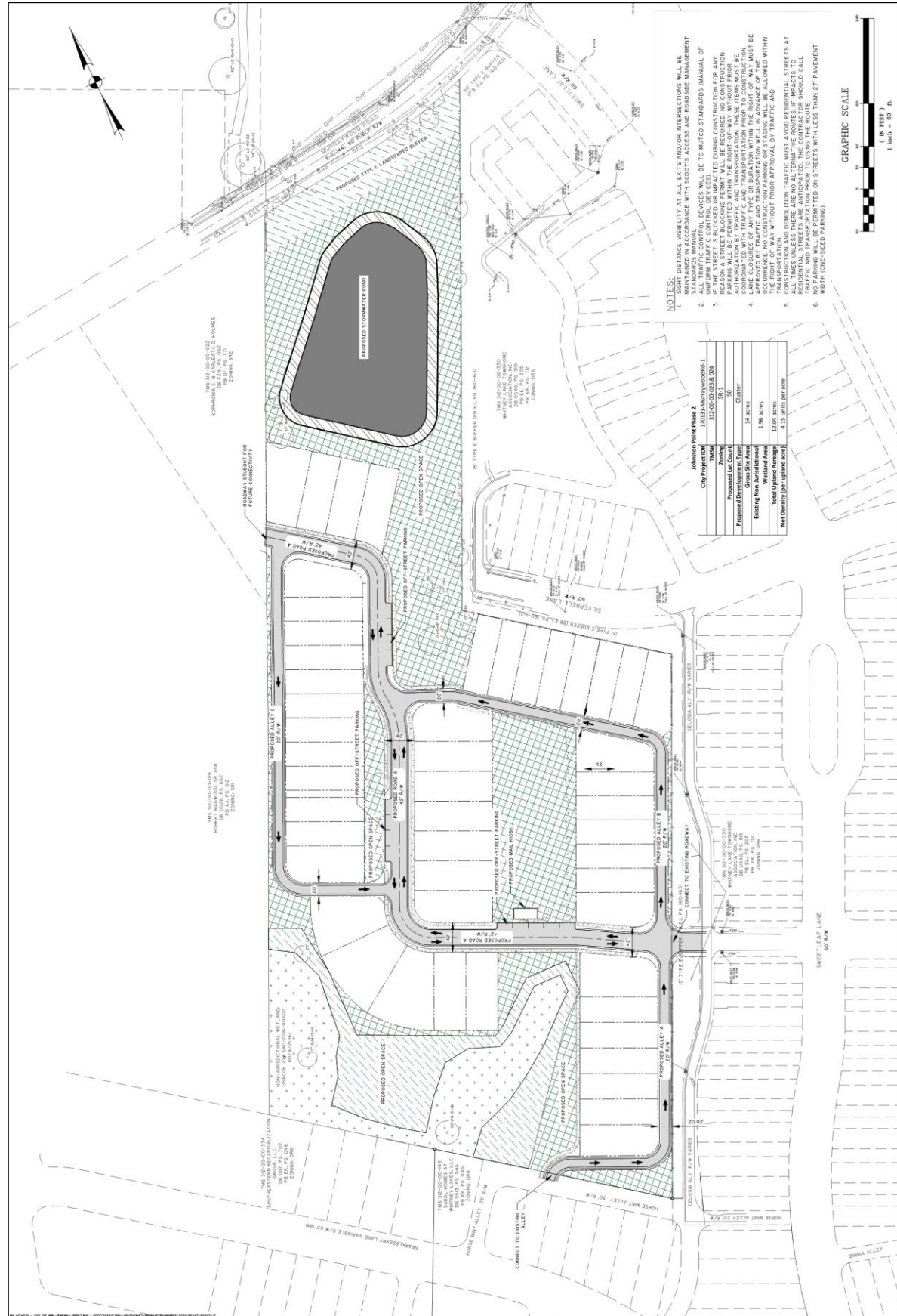
Owner: Kenneth Gervais
Applicant: Thomas & Hutton Engineering Co.

Area



Location





**CITY OF CHARLESTON
PLANNING COMMISSION**

April 19, 2017

Subdivision 5:

**Essex Farms Single Family
(Essex Farms Drive – West Ashley)**

BACKGROUND

The applicant is requesting subdivision concept plan approval for 2.6 acres on Essex Farms Drive at Glenn McConnell Parkway in West Ashley. This project is part of the Essex Farms PUD and consists of the creation of 9 parcels for single-family detached homes that will be accessed by the existing Essex Farms Drive. The new parcels conform to the subdivision requirements in the PUD. There are jurisdictional wetlands adjacent to the site that will not be impacted by the proposed subdivision. There are grand trees on the site, which are not proposed to be impacted. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Planned Unit Development (PUD), which allows the single-family residential use. The surrounding existing uses include primarily single-family uses.

STAFF RECOMMENDATION

APPROVAL WITH CONDITIONS

Subdivision 5

Essex Farms Single Family
(Essex Farms Drive – West Ashley)

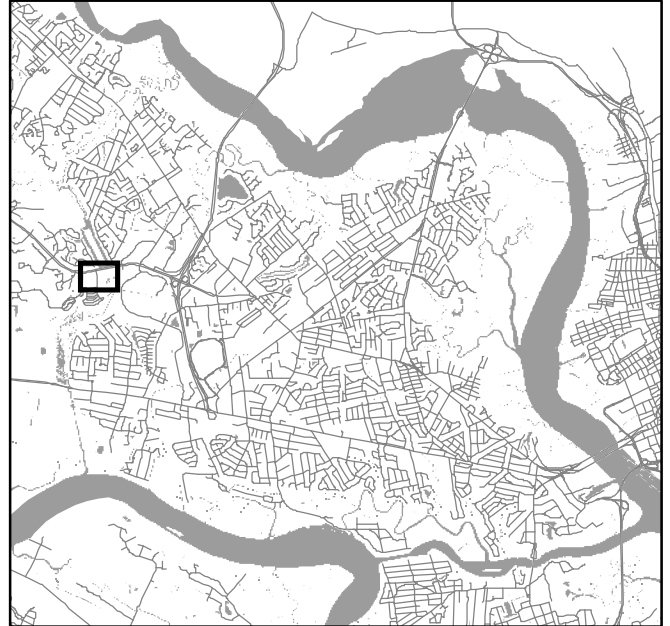
TMS# 3090000003

2.6 ac.

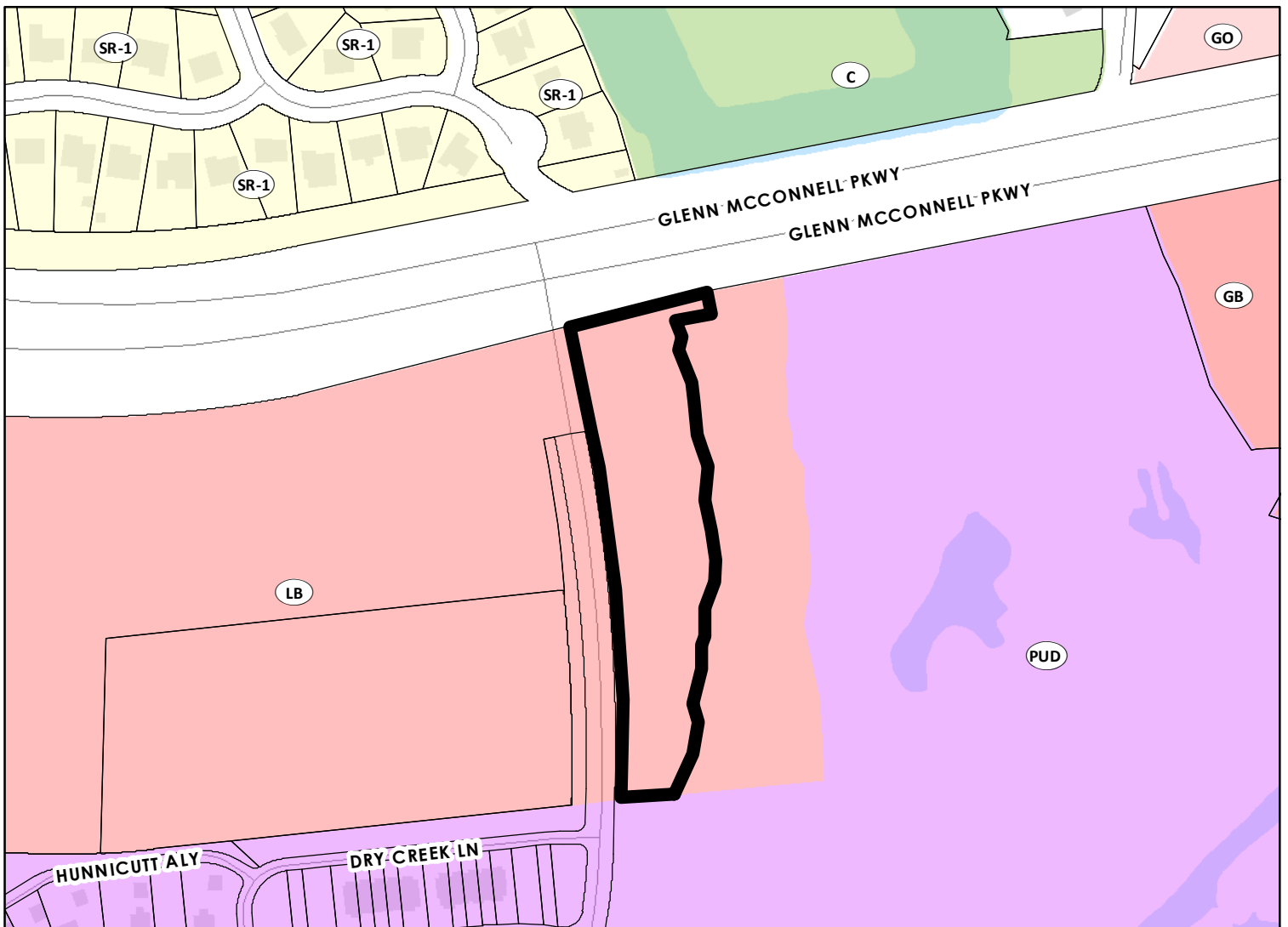
9 lots. Request subdivision concept plan approval.
Zoned Planned Unit Development (PUD).

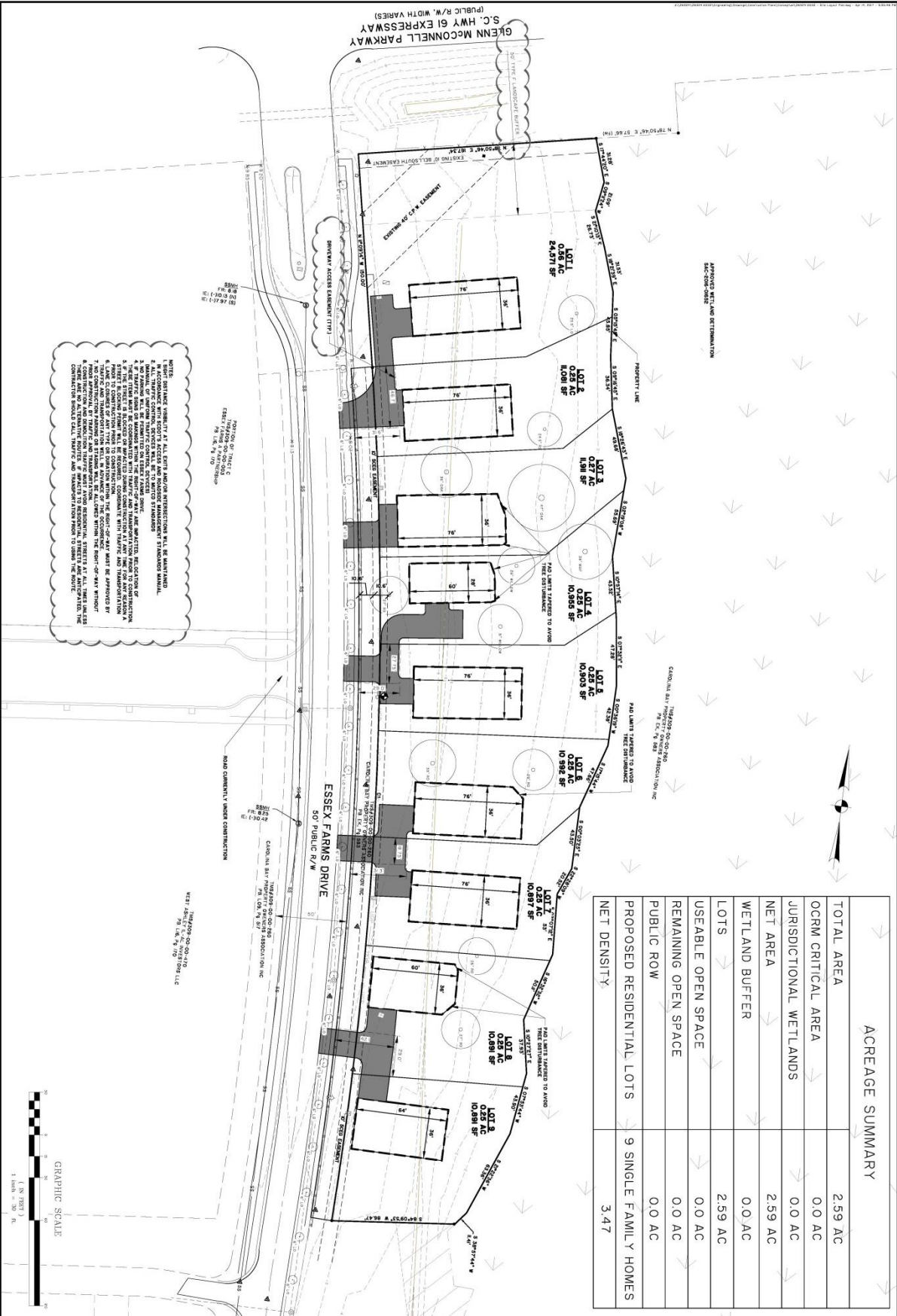
Owner: Pulte Group, Inc.
Applicant: Thomas & Hutton Engineering Co.

Area



Location





**CITY OF CHARLESTON
PLANNING COMMISSION**

April 19, 2017

Subdivision 7:

**Carolina Bay, Phase 15
(Rutherford Way – West Ashley)**

BACKGROUND

The applicant is requesting subdivision concept plan approval for 18.4 acres on Rutherford Way in West Ashley. The proposed subdivision is part of the Carolina Bay PUD and includes the creation of a new right-of-way to serve 26 single-family detached homes. The proposed right-of-way is a modified local access street and the new parcels conform to the subdivision requirements for new parcels in the PUD. There are jurisdictional wetlands on this site, which are not proposed to be impacted by this development. The City's Technical Review Committee (TRC) has reviewed the conceptual subdivision for compliance with City standards.

The property is zoned Planned Unit Development (PUD), which allows the single-family residential. The surrounding existing uses include primarily single-family residential uses.

STAFF RECOMMENDATION

APPROVAL WITH CONDITIONS

Subdivision 7

Carolina Bay, Phase 15

(Rutherford Way – West Ashley)

TMS# 3090000054

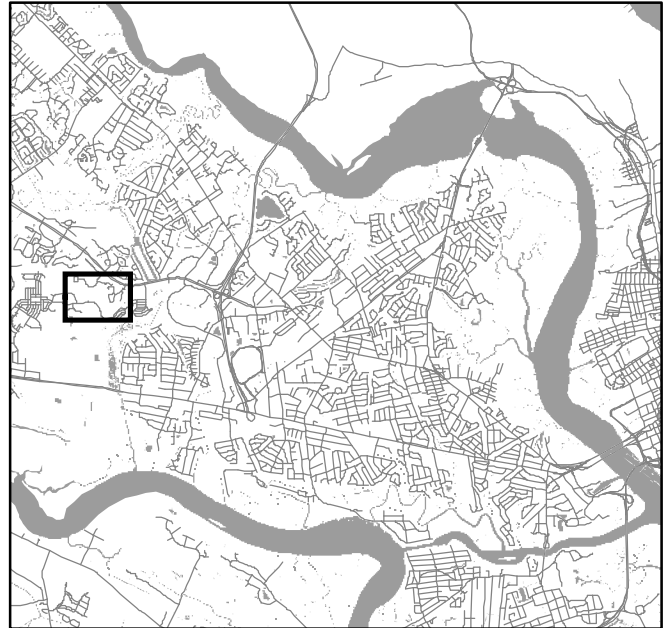
18.4 ac.

26 lots. Request subdivision concept plan approval.
Zoned Planned Unit Development (PUD).

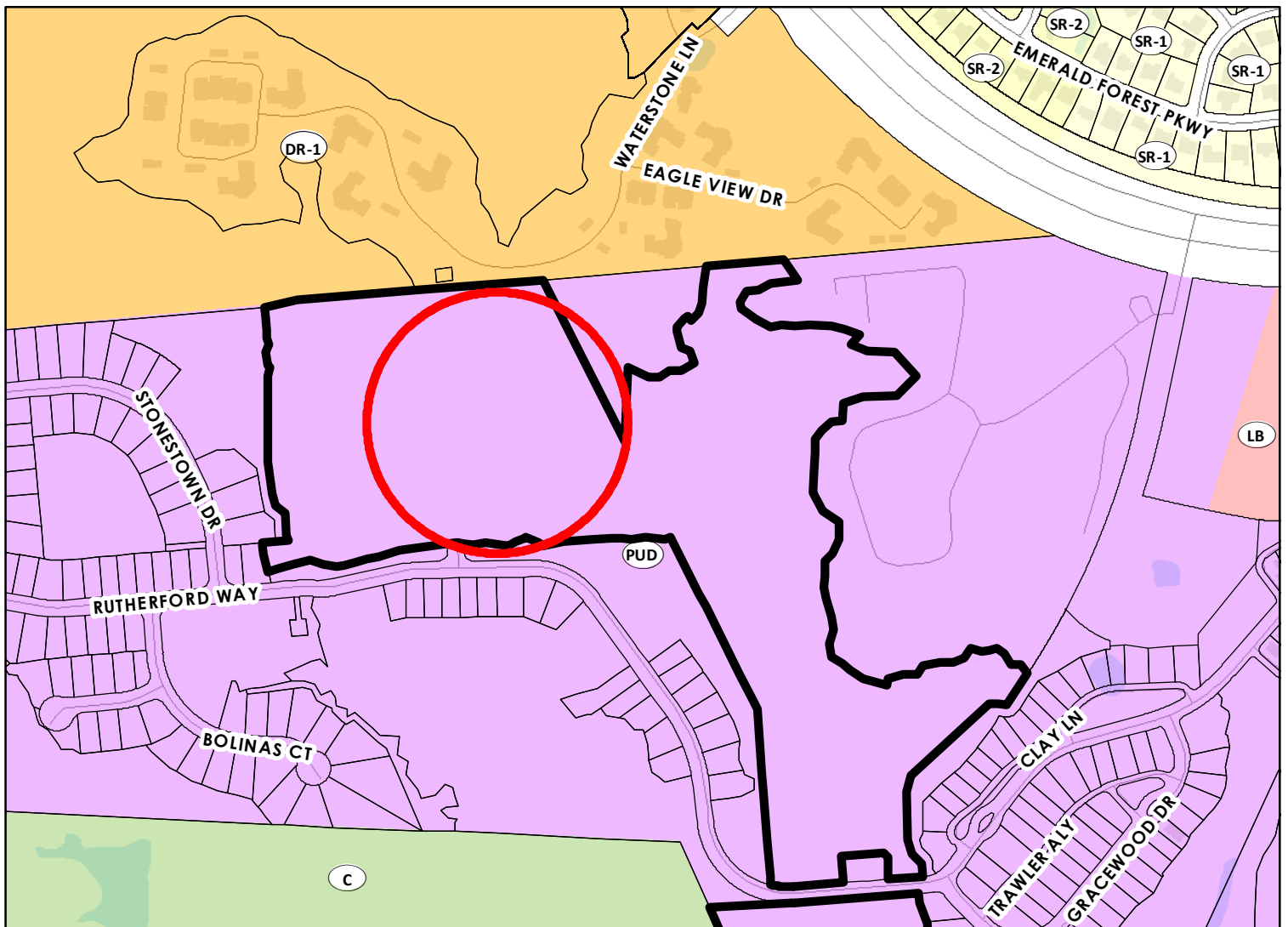
Owner: Pulte Home Company, LLC

Applicant: Seamon, Whiteside & Associates, Inc.

Area



Location



CITY OF CHARLESTON PLANNING COMMISSION

April 19, 2017

Zoning 1 :

1844 Produce Ln (Johns Island)

BACKGROUND

The subject property was annexed into the City of Charleston on April 11, 2017 and the property owner is requesting a zoning of Diverse Residential (DR-2). The property is zoned Maybank Highway Corridor Overlay District (OD-MHC) in Charleston County. Surrounding zonings include Diverse Residential (DR-2) and General Business (GB) in the City and Single-Family Residential (R-4) and OD-MHC in Charleston County. The subject property is surrounded by single-family homes and residential and commercial vacant lots. The subject property is occupied by a single-family mobile home.

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject property is designated in the Century V Plan as **Neighborhood Center** which is typically mixed-use with relatively high residential densities. Given the plan designation, the proposed Diverse Residential (DR-2) zoning is appropriate for this site.

STAFF RECOMMENDATION

APPROVAL

Zoning 1

1844 Produce Ln (Johns Island)

TMS# 3130000157

0.65 ac.

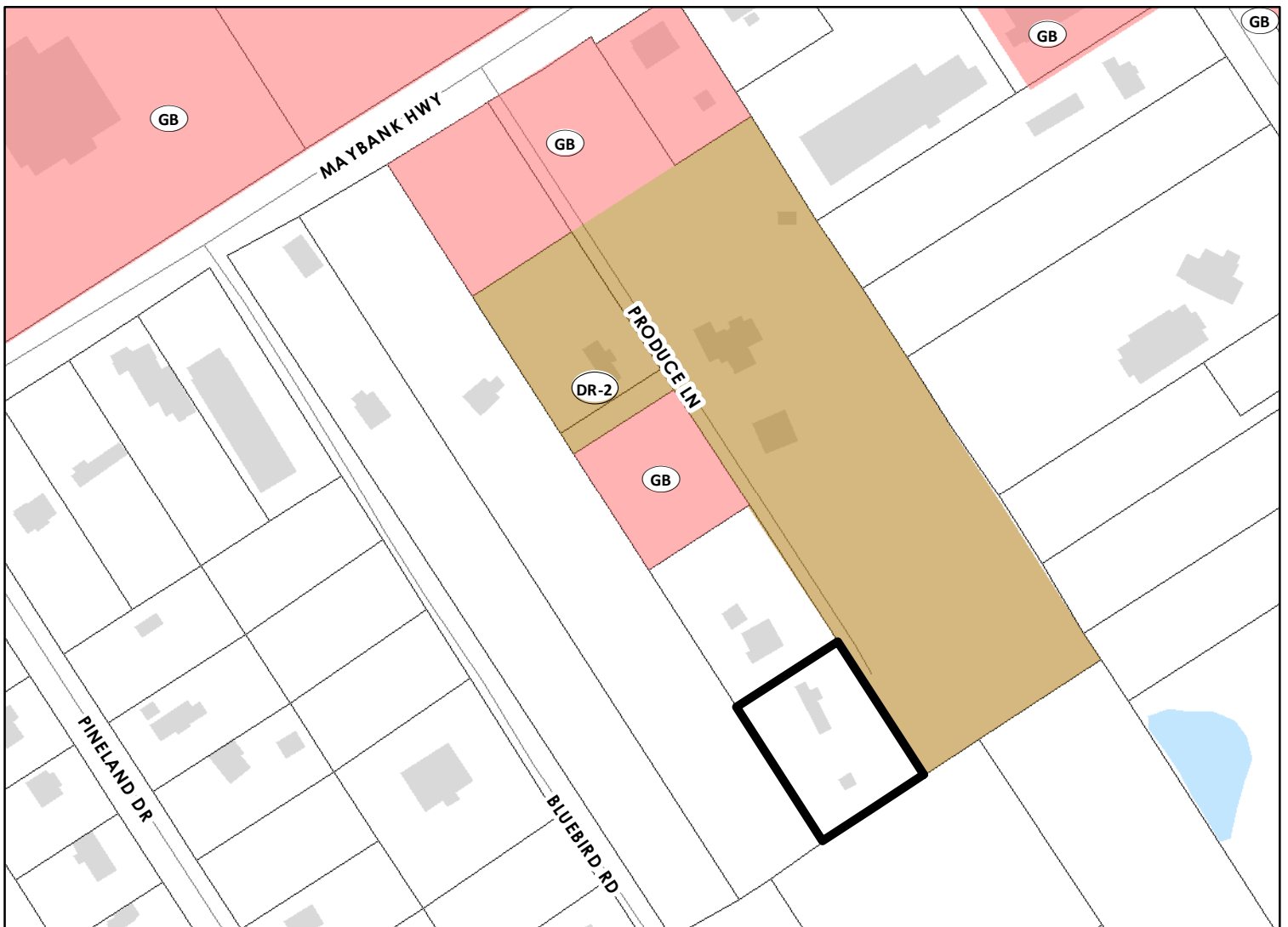
Request zoning of Diverse Residential (DR-2).
Zoned Maybank Hwy Corridor Overlay
District (OD-MHC) in Charleston County.

Owner: Estate of Mary Lurie Hewett

Area



Location



**CITY OF CHARLESTON
PLANNING COMMISSION**

April 19, 2017

Zonings 2 through 5 :

Recently Annexed Properties on James Island & in West Ashley

BACKGROUND

The following zoning items are located in the **West Ashley** and **James Island** areas of the City and were recently annexed or the annexation is pending. The zoning districts recommended in the City closely match the zonings assigned to the properties in Charleston County or they are compatible with the context of the existing development or lot sizes in the surrounding neighborhoods.

<u>Zoning Item</u>	<u>Property Address</u>	<u>Acres</u>	<u>Land Use</u>	<u>Previous Zoning</u>	<u>Recommended Zoning</u>
<u>James Island</u>					
2.	113 Riverland Dr	0.55	Single-Family Residential	R-4	SR-I
3.	2205 Ramsay Dr	0.25	Vacant Single-Family Resid.	R-4	SR-I
<u>West Ashley</u>					
4.	2413 Spring Garden St	0.25	Single-Family Residential	R-4	SR-I
5.	822 Playground Rd	0.29	Single-Family Residential	R-4	SR-I

CENTURY V CITY PLAN RECOMMENDATIONS

The **Century V Plan** recommends maintaining the character of established areas in the City when considering the zoning of property. The subject properties are designated in the Century V Plan as **Suburban** or **Suburban Edge** which are predominately residential with varying, but lower densities. Given the existing pattern of development in the surrounding area the proposed zonings are appropriate for these sites.

STAFF RECOMMENDATION

APPROVAL ON ITEMS 2 THROUGH 5

Zoning 2

113 Riverland Dr (James Island)

TMS# 3430100006

0.55 ac.

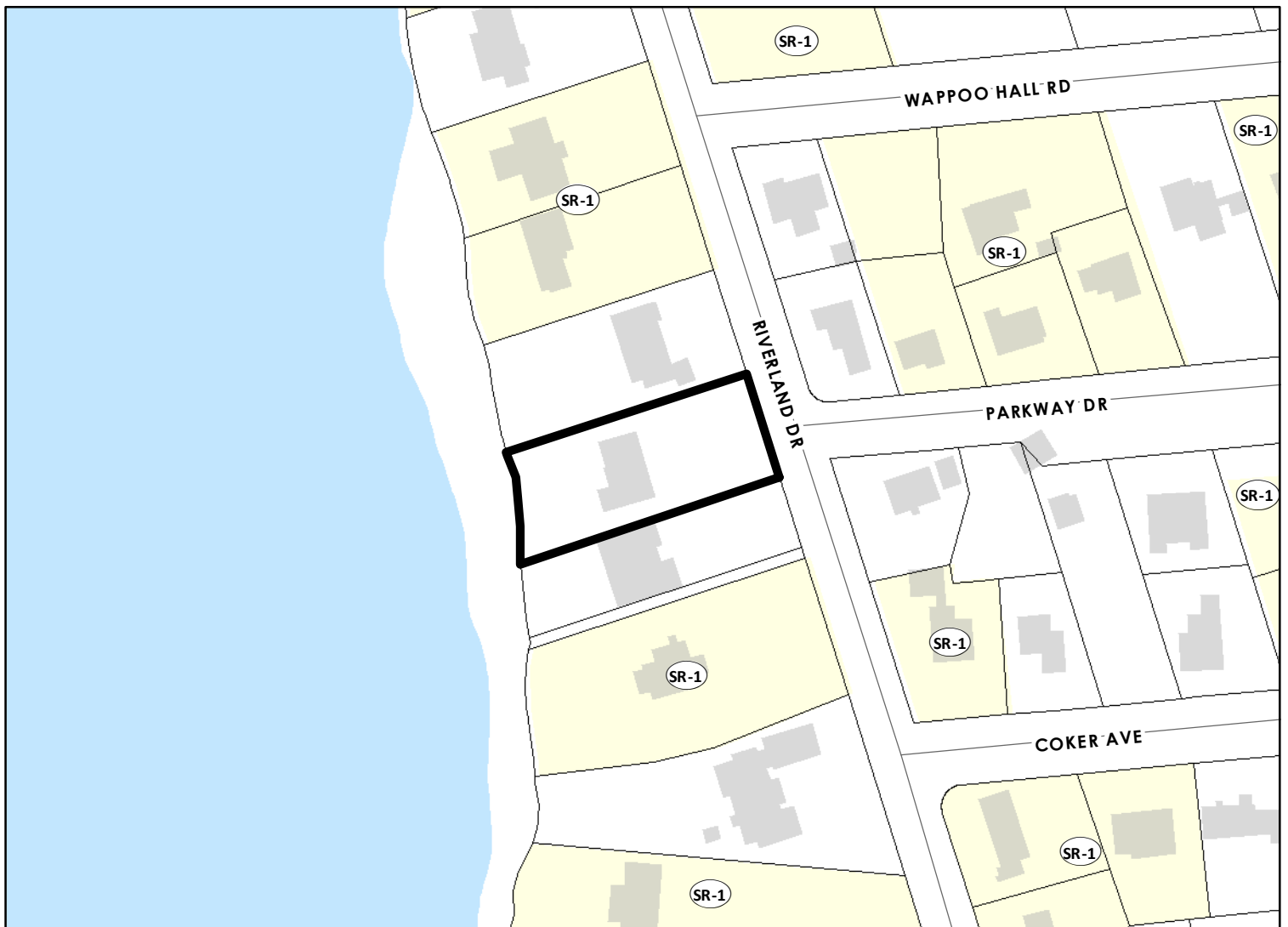
**Request zoning of Single-Family Residential (SR-1).
Zoned Single-Family Residential (R-4)
in Charleston County.**

Owner: Mary and James Gatch

Area



Location



Zoning 3

2205 Ramsay Dr (James Island)

TMS# 3430500125

0.25 ac.

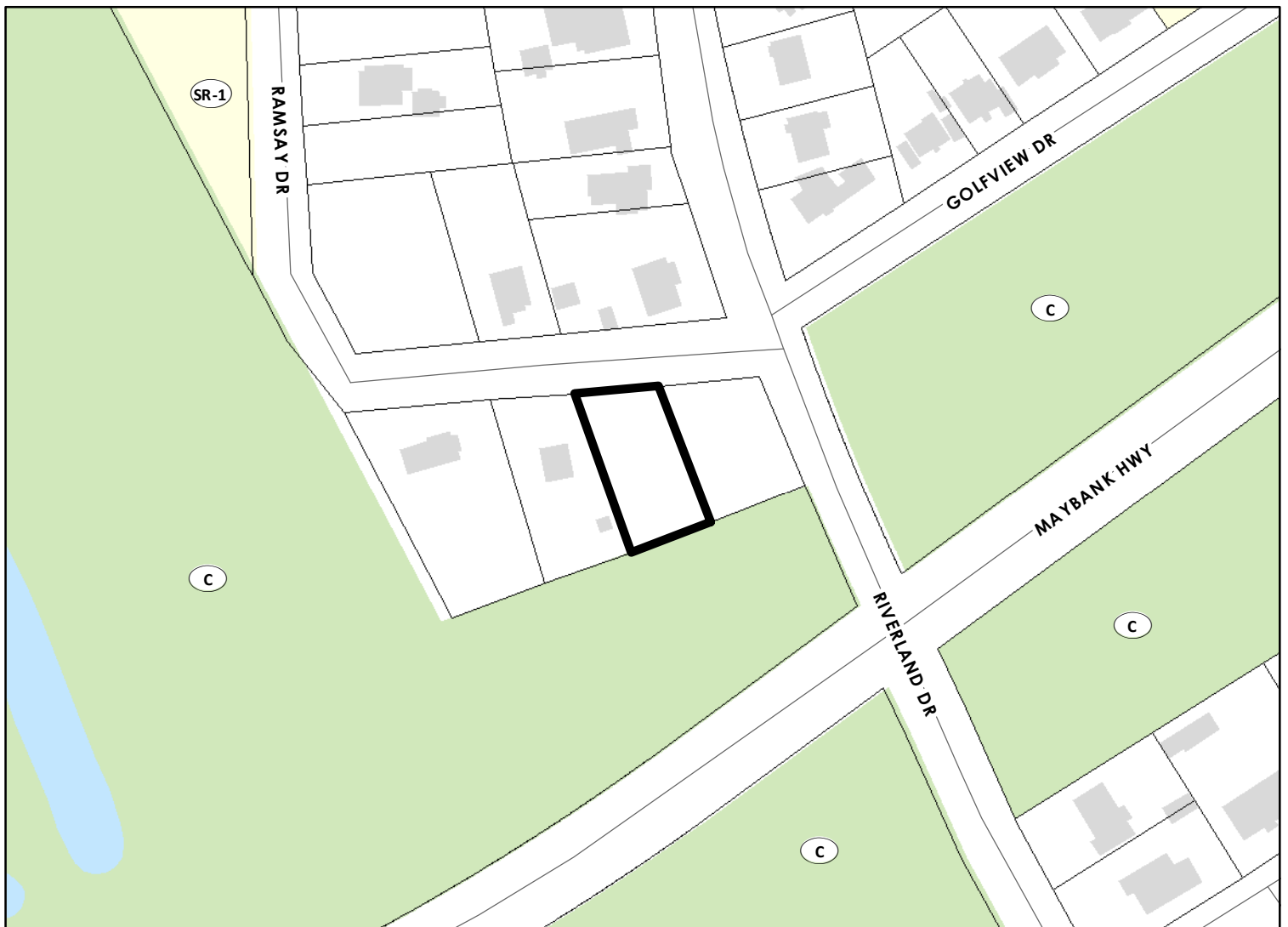
**Request zoning of Single-Family Residential (SR-1).
Zoned Single-Family Residential (R-4)
in Charleston County.**

Owner: Edward Mungo

Area



Location



Zoning 4

2413 Spring Garden St (West Ashley)

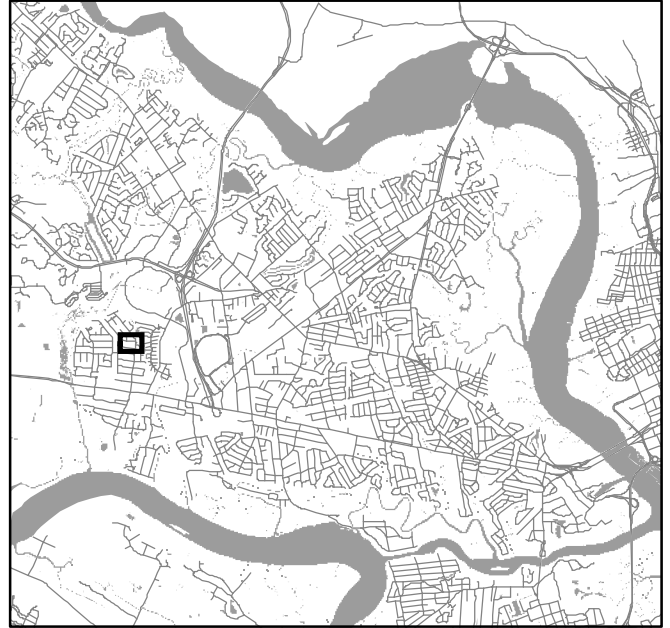
TMS# 3091400039

0.29 ac.

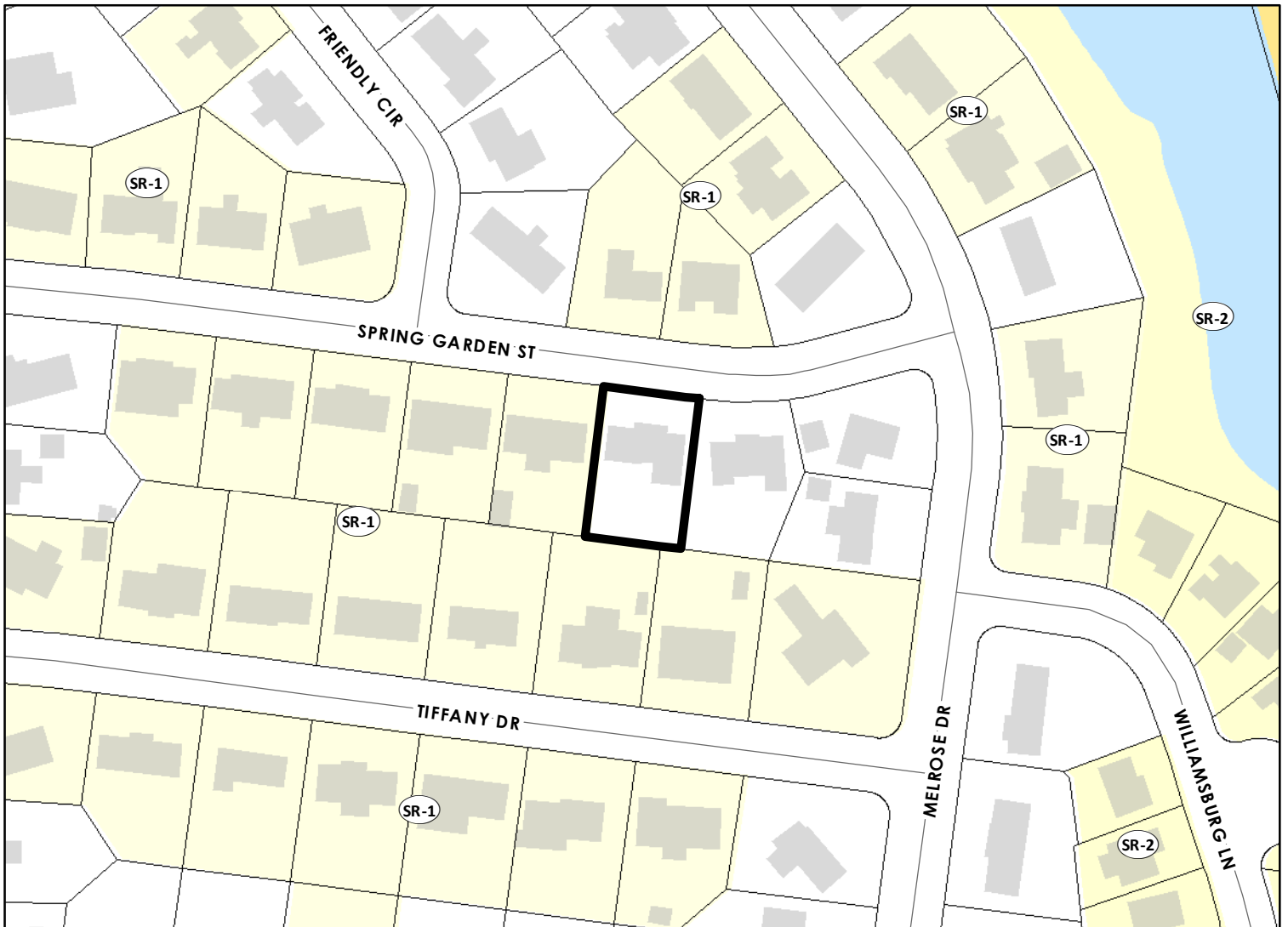
**Request zoning of Single-Family Residential (SR-1).
Zoned Single-Family Residential (R-4)
in Charleston County.**

Owner: Joyce Murray

Area



Location



Zoning 5

822 Playground Rd (West Ashley)

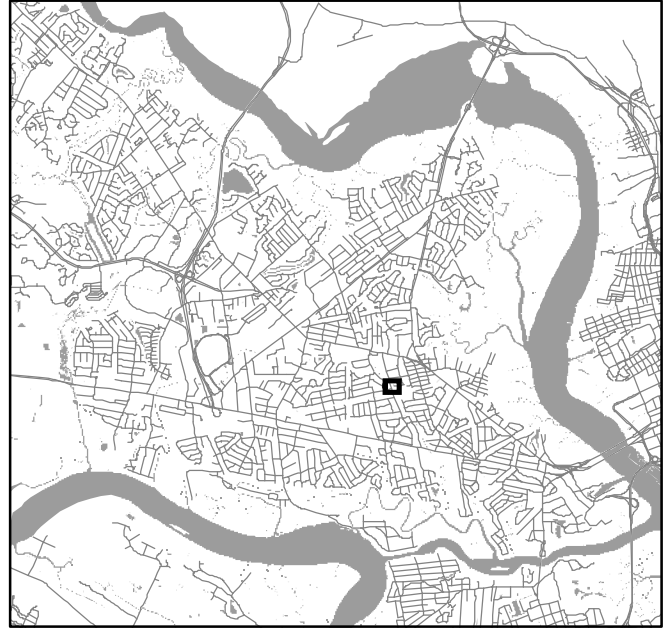
TMS# 4180500302

0.23 ac.

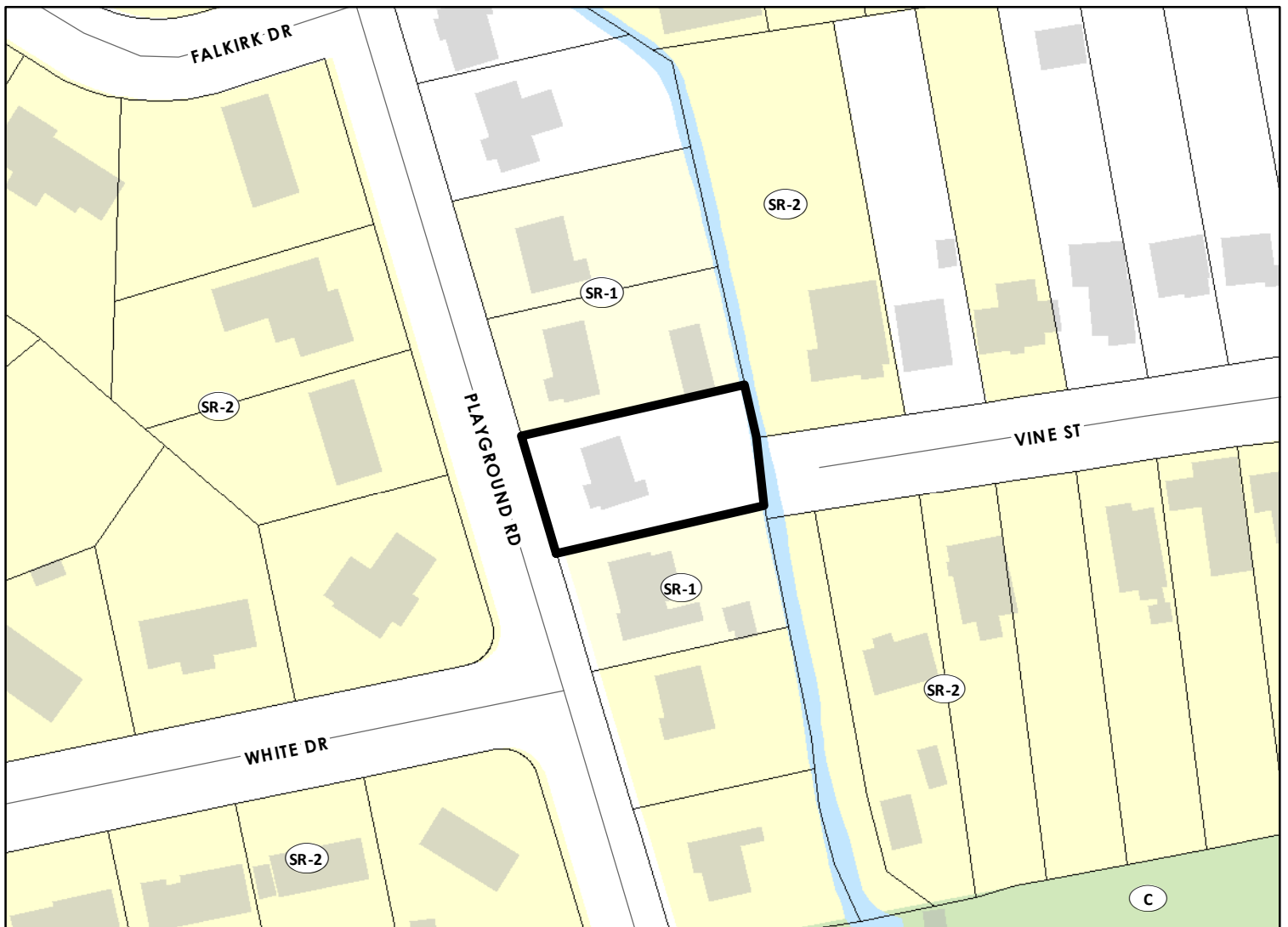
**Request zoning of Single-Family Residential (SR-1).
Zoned Single-Family Residential (R-4)
in Charleston County.**

Owner: Harriett S. Pinckney

Area



Location



**CITY OF CHARLESTON
PLANNING COMMISSION**

April 19, 2017

Ordinance Amendment 1 :

**An ordinance to amend Chapter 54 of the Code of the City of Charleston
(Zoning Ordinance) by adding to Article 9, Administration and Enforcement, a
new part 6, Temporary Moratorium.
(Related to the Church Creek Drainage Basin)**

BACKGROUND

This item was given first reading approval by City Council on February 28, 2017. It will be presented in detail during the meeting.

STAFF RECOMMENDATION

APPROVAL



Ratification
Number _____

A N O R D I N A N C E

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY ADDING TO ARTICLE 9, ADMINISTRATION AND ENFORCEMENT, A NEW PART 6, TEMPORARY MORATORIUM.

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by adding to Article 9, Administration and Enforcement, a new Part 6, Temporary Moratorium - Church Creek Drainage Basin, to read as follows:

PART 6

TEMPORARY MORATORIUM - CHURCH CREEK DRAINAGE BASIN

Sec. 59-970. Temporary Moratorium.

Findings: City Council finds that an area of the City, hereafter defined as the Church Creek Drainage Basin, is comprised of nearly 5,000 acres that have very limited points of discharge for stormwater and a broad defined floodplain. Because of the topography, high tides and significant rain events, homes and other developed properties in the Basin have experienced severe and more frequent flooding during rainstorms. Continued development within certain portion of Basin could further exacerbate and impact the potential for flooding and property damage and compromise public safety. Notwithstanding ongoing efforts by the City to study and model the drainage conditions in the Basin and to update and implement regulations to alleviate

flooding conditions there, it is evident that, absent a thorough evaluation of the drainage patterns in portions of the Basin, of the development and infrastructure in place, and of development that will reasonably occur in these areas in the immediate future, development in the Basin, both existing and planned, will be threatened, as well as the quality of life of those who live and work there now and those who will in the future. The public health and safety and the economic well-being of the City and of its residents who live, work and shop in the affected area demand that measures be taken to temporarily limit further development in the portions of the Basin located in the 100-year floodplain for a reasonable period of time to enable the City to update the drainage study of these portions of the Basin and implement the recommendations thereof.

A. Moratorium

- (1) Subject to the Exceptions as set forth in Section B hereof, no application for a permit from the Departments of Planning, Preservation and Sustainability and Public Service for new construction (except for a building permit for a single family dwelling on an existing lot of record as of the date of ratification of this Ordinance) shall be processed or granted during the duration set forth in Section E hereof, for any property located in the 100-year floodplain within the boundaries of the Church Creek Drainage Basin, as the same is set forth on a GIS map dated _____ entitled Church Creek Area Drainage Basin 100-year floodplain, attached hereto and made a part hereof, a duplicate original of which is on file in the Department of Planning, Preservation and Sustainability.

B. Exceptions: Excepted from the provisions of subsection A (1) are:

- (1) Projects subject to Technical Review Committee (herein TRC) review that, as of February 28, 20017, had TRC approval.
- (2) Projects not subject to TRC review that, as of February 28, 2017, had building permit approval.

- (3) Construction on a lot of record not subject to TRC review and where, as of February 28, 2017, the system for managing the stormwater from the lot has received final approval from the city.
- (4) Applications to adjust lot lines, or to subdivide acreage, except for final residential development plats.
- (5) Notwithstanding the above, an applicant may proceed at his own risk with securing and acting on development permits and approvals, except for permits to pave or construct buildings, during the duration set forth in Section E; provided however, all such applicants and any permits acquired during this time shall be subject to applicable stormwater regulations the City develops from the information received by the study of the drainage basin commissioned by the City.

C. Alteration of District Boundary: Nothing herein shall be construed to limit or abridge the right of an applicant to seek a review and potential alteration of a property being located within the 100-year floodplain of the Church Creek Drainage Basin upon a showing of topographic data that supports the alteration. Any such alterations shall require the approval of City Council, after recommendation of the Director of the Department of Public Service.

D. Status Reports: For the duration set forth in Section E, the Director of Public Service, or her designee, shall provide monthly status reports to City Council and other interested parties on the progress of the study and such recommendations as may be available from the City's consultant, regarding stormwater management in the Church Creek Drainage Basin.

E. Duration: The provisions of this Part 5 of Article 9 of the Zoning Ordinance shall expire nine (9) months from February 28, 2017.

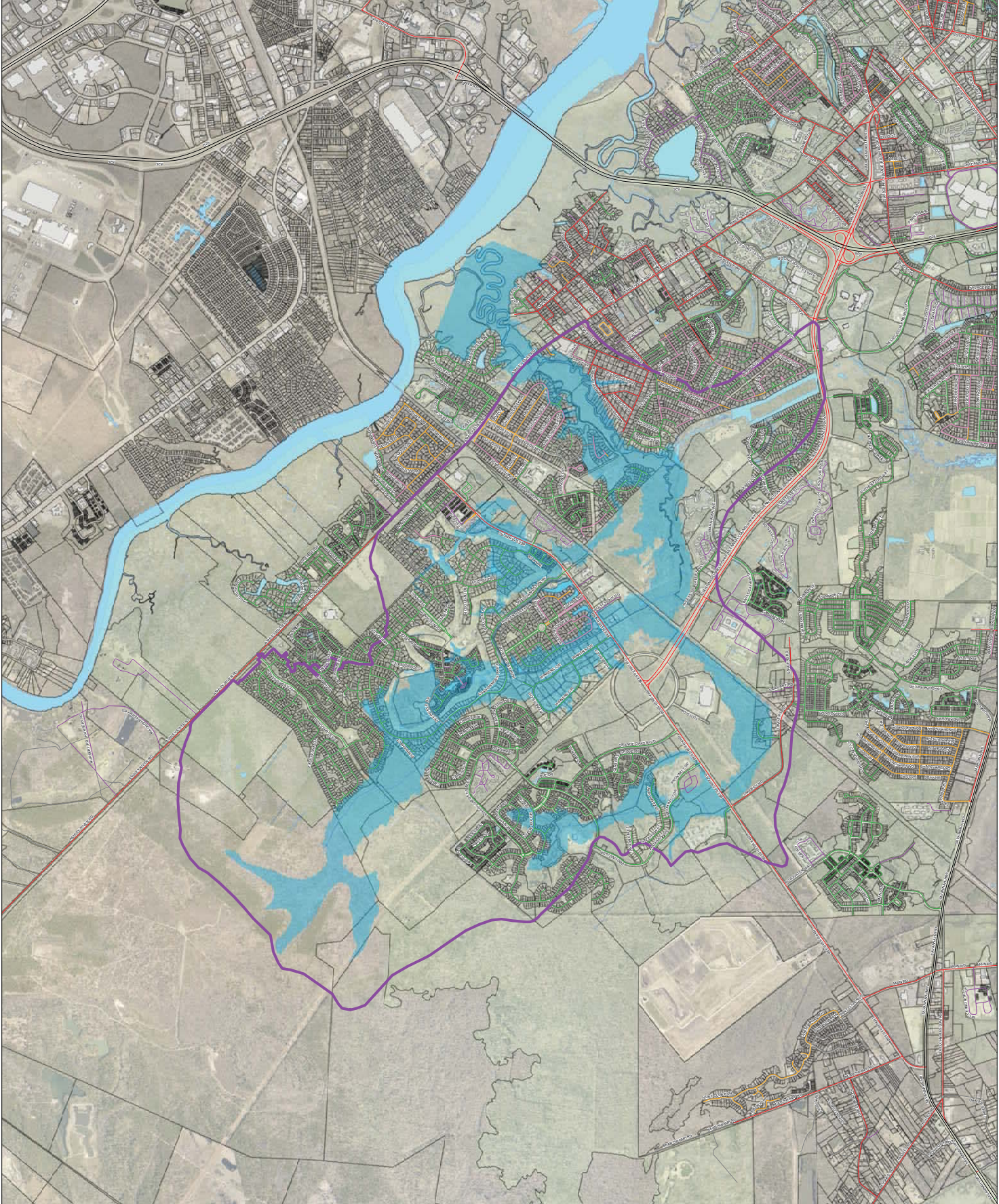
Section 2. This ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of
_____ in the Year of Our Lord, 2017,
and in the ____th Year of the Independence of
the United States of America

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council



Legend

- Church Creek Basin Watershed Boundary
- Streets
- MAINT
- Federal
- State
- City of Charleston
- Private
- County
- Mixed
- Other Local
- Unknown
- flood100_ex
- Parcels
- Buildings
- City Limits
- Creeks
- Water

**CITY OF CHARLESTON
PLANNING COMMISSION**

April 19, 2017

Ordinance Amendment 2 :

An ordinance to amend provisions of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) pertaining to Article 2, Part 15 – Mixed Use 1 - Workforce Housing District and Mixed Use 2 - Workforce Housing District.

BACKGROUND

This item will be presented in detail during the meeting.

STAFF RECOMMENDATION

APPROVAL

AN ORDINANCE

TO AMEND PROVISIONS OF CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) PERTAINING TO ARTICLE 2, PART 15 – MIXED USE 1 - WORKFORCE HOUSING DISTRICT AND MIXED USE 2 - WORKFORCE HOUSING DISTRICT. ~~(AS AMENDED)~~

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. Article 2, Part 15 – Mixed Use 1 – Workforce Housing District and Mixed Use 2 – Workforce Housing District of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended to read as follows (new text in **bold and double underlined** and deleted text with ~~striethrough~~):

PART 15 - MIXED USE 1 - WORKFORCE HOUSING DISTRICT MIXED USE 2 - WORKFORCE HOUSING DISTRICT

Sec. 54-297. - Findings.

City Council finds that its urban areas have traditionally included mixed use developments that incorporate housing opportunities for persons of varying means and incomes, along with complementary nonresidential uses. City Council finds that these mixed use developments have contributed significantly to the economic success and unique fabric of its urban environment by enhancing diversity and providing job opportunities, and that it is in the public interest that incentive-driven districts be established to encourage the continued development of mixed use projects.

Sec. 54-298. - Purpose.

These districts are intended to promote a mixture of housing opportunities within a single development, along with appropriate nonresidential uses, by providing incentives for the creation of such developments in urban areas of the city where on street parking or other public parking is customary and can be reasonably accommodated.

Sec. 54-299. - Availability.

The MU-1/WH and MU-2/WH districts, being incentive based, are only available to property owners who apply for the district designation.

Sec. 54-299.1. - Definitions.

For the purpose of this part, the following terms mean:

- a. Owner occupied workforce housing unit: A dwelling unit where at least one occupant is an owner, and where all occupants have, in the aggregate, household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
- b. Rental workforce housing unit: A dwelling unit, where occupants have, in the aggregate, household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
- c. Qualified household: Households where occupants have, in the aggregate, a household income less than or equal to one hundred twenty (120%) percent of the area median income (AMI) for owner occupied units, and a household income less than or equal to eighty (80%) percent of the area median income (AMI) for rental units. Area median income (AMI) shall be determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors.
- d. Initial maximum allowable sales price: An amount equal to three (3) times one hundred twenty (120%) percent of the area median income (AMI), as determined annually by the United States Department of Housing and Urban Development as adjusted by the City of Charleston Department of Housing and Community Development, or their successors, plus any subsidy available to the buyer.
- e. ~~Fair~~**Affordable** market rent: ~~An amount calculated and~~ **An amount equal to thirty (30%) percent of eighty (80%) percent of the annual Area Median Income (AMI), as published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area, as may be adjusted by the City of Charleston Department of Housing and Community Development, or their successors. Affordable rent for efficiency/studio units is the High HOME rents as published annually by the United States Department of Housing and Urban Development, or its successor, for the Charleston-North Charleston Metropolitan Statistical Area, as may be adjusted by the City of Charleston Department of Housing and Community Development, or their successors.** ~~(eighty (80%) percent of area median income (AMI)).~~ In the absence of such information, the rents charged by the owner shall not exceed thirty (30%) percent of the annual household income.
- f. Household income: All sources of financial support, both cash and in kind, of adult occupants of the housing unit, to include wages, salaries, tips, commissions, all forms of self-employment income, interest, dividends, net rental income, income from estates or

trusts, Social Security benefits, railroad retirement benefits, Supplemental Security income, Aid to Families with Dependent Children or other public assistance welfare programs, other sources of income regularly received, including Veterans' (VA) payments, unemployment compensation and alimony, and awards, prizes, government or institutional or eleemosynary loans, grants or subsidies and contributions made by the Household members' families for medical, personal or educational needs.

Sec. 54-299.2. - Land uses.

The permitted land uses in these districts are those listed under Article 2, Part 3, Table of Permitted Land Uses, in the column headings having the applicable district designation to wit: MU-1/WH or MU-2/WH, modified as follows:

- a. Every development in the MU-1/WH or MU-2/WH zoning district that has five (5) or more residential units must include owner occupied workforce housing units and/or rental workforce housing units. Every development in the MU-1/WH or MU-2/WH zoning district that has less than five (5) units must include at least one (1) owner occupied or rental workforce housing unit or nonresidential use(s) that face the street on the ground level in accordance with the provisions of subsection b.
- b. The number of owner occupied workforce housing units and/or rental workforce housing units per development shall be the greater of: (1) one ~~(1)~~ unit; or (2) ~~fifteen~~ ~~(15)~~ twenty (20%) percent of the number of residential units in the development, rounded up to the next whole number, whichever is greater. The workforce housing units shall be sized, in terms of square footage and number of bedrooms, comparable and proportional to the square footage and number of bedrooms of the market rate units in the development as a whole. The smallest workforce housing unit by bedroom count shall not be smaller than the smallest market rate unit with the same number of bedrooms. The workforce housing units shall be integrated and intermixed within the market rate units in a development and not clustered together or segregated from the market rate units. Developments that contain multiple buildings shall incorporate in each building workforce housing units comparable and in proportion, square footage and bedroom wise, to the number of market rate units in the building. Exterior finishes of workforce housing units shall be the same type and quality as the development's market rate units.

Developments that do not include owner occupied and/or rental workforce housing units must dedicate the greater of: (1) fifty (50%) percent of the square footage of the ground level or one thousand five hundred (1,500) square feet for nonresidential uses. Nonresidential uses in the MU-1/WH district are the nonresidential uses allowable in the Limited Business (LB) district, and nonresidential uses in the MU-2/WH district are the nonresidential uses allowable in the General Business (GB) district.

- c. Fee payment in lieu of units (rental units only): In lieu of providing on site rental workforce housing units, a developer may choose to contribute a fee, on a per unit basis, to the City's Affordable/Workforce Housing Account for any or all of the number of workforce housing units required for the development.

The fee, per unit, shall be a sum equal to the number of gross square footage in the development, whether residential, retail, commercial or otherwise, and inclusive of

all heated and unheated spaces (but excluding parking garages) multiplied by \$5.10, then divided by the number of required workforce units in the development. Square footage initially used solely as a grocery store or pharmacy may be excluded from gross square footage for purposes of calculating the fee; provided however, if at any time during the period of twenty-five (25) years after the issuance of a certificate of occupancy for the development, the use of the square footage as a grocery store or pharmacy is apses for a period of twelve (12) consecutive months, or is utilized for any other purpose, the then owner of the development shall be required, as a condition of occupancy of such space, to pay a sum equal to the difference between fee per unit that would have been payable had the space not been excluded from the per unit calculation and the fee per unit initially.

Fees shall be calculated at the time of building permit application, and paid in full prior to the issuance of a certificate of occupancy for any part of the project.

d. Land donation in lieu of units: Upon approval of City Council, and in its sole discretion, land may be donated to the City for Workforce Housing to satisfy some or all of workforce housing units required by the development. The size, configuration and location of any land proposed for donation shall be capable and appropriately zoned to support, at minimum, the number of units it is intended to replace, and is subject to the sole approval of City Council, which may be withheld for any or no reason. Should the City elect to accept a land donation in lieu of construction of units, the developer shall be wholly responsible for the costs of acquisition of the land and transfer to the City, including but not limited to costs of surveys, plats, environmental investigation, title insurance, City attorneys' fees and recording costs. Title to the land proposed for donation shall be transferred to the City prior to the issuance of a building permit for any part of the development.

ee. Prior to receiving a building permit for any portion of a development, the owner thereof shall provide, in writing, to the satisfaction of the City of Charleston Department of Housing and Community Development, or its successor, information identifying the total number of one bedroom units, two bedroom units, etc., and the respective square footages of the same, the total number of one bedroom workforce housing units, two bedroom workforce housing units, etc., and the respective square footages of the same, and the location of the workforce housing units in the development. Prior to the issuance of a certificate of occupancy for any portion of a development, the owner thereof shall identify, in writing, to the City of Charleston Department of Housing and Community Development, or its successor, the units designated as owner occupied workforce housing units and/or rental workforce housing units.

fe. i. Prior to the issuance of a certificate of occupancy for any portion of a development, the owner shall execute covenants satisfactory to the City that identifying the owner occupied workforce housing units and/or rental workforce housing units and which restricting such units to occupancy, and if applicable ownership, by qualified households for a period of no less than ~~ten (10)~~ twenty-five (25) years, and submit a

copy of the recorded covenants to the City of Charleston Department of Housing and Community Development, or its successor.

ii. As for the owner occupied workforce housing units, the covenants shall identify the initial maximum allowable sales price, and provide that the initial maximum allowable sales price may be adjusted annually for inflation based on the increase in the area median income (AMI) or Consumer Price Index, whichever is greater. Each owner of such units, prior to initial occupancy, shall be required to submit to the City of Charleston Department of Housing and Community Development, or its successor, a verified income report of household income of all members of the household. The covenants shall require notice to the City of Charleston Department of Housing and Community Development, or its successor, of any transfer of the owner occupied workforce housing units and verification that the purchaser is a qualified household. Owner occupied workforce housing units shall be subject to resale restrictions for no fewer than ~~ten (10)~~ twenty-five (25) years from date of initial sale of the property. Such restrictions will be recorded as deed restrictions.

iii. As for rental workforce housing units, the covenants shall require the owner to provide proof to the City of Charleston Department of Housing and Community Development, or its successor, at inception of every tenancy, and on an annual basis thereafter, that no more than ~~fair~~ affordable ~~market~~ rent is being charged for the unit(s), and verified income reports of household income of all ~~rental~~ occupants of rental workforce housing units. Rental workforce housing units shall be subject to these restrictions for no fewer than ~~ten (10)~~ twenty-five (25) years from the initial occupancy as workforce housing.

iv. The covenants for rental workforce housing units shall provide:

If a workforce housing unit is converted from rental occupied to owner occupied occupancy during the term of the rental workforce housing covenants, the unit shall be subject to the owner occupied workforce housing unit requirements as set out in subsection f (ii) (to include an Initial Maximum Sales Price) for a term of months equal to the number resulting when subtracting from 300 months the number of months the unit has been subject to rental workforce housing covenants.

Conversion of a workforce housing unit from owner occupied to renter occupied occupancy shall not be permitted.

Covenants shall require written notice to the City prior to any conversion taking place.

ge. The covenants shall accord the City of Charleston, or its assignee, rights to enforcement by any legal and/or equitable means, including the revocation of a certificate of occupancy, and in all events be subject to approval by corporation counsel.

h. If the development is to be phased, each phase shall include workforce housing units concurrently with the market rate units in the particular phase. A phasing plan that brings the workforce housing units on line at the end of build out is not permitted.

i. The upkeep of rental workforce housing units shall be of the same quality as the upkeep of the other market rate rental units of the development.

Sec. 54-299.3. - Parking and loading.

Parking requirements for an owner occupied workforce housing unit or rental workforce housing unit shall be one (1) space per two units.

Parking requirements for an owner occupied market rate housing unit or rental housing unit shall be one (1) space per unit.

Parking requirements for nonresidential uses in developments shall be governed by the parking provisions of Article 3, Part 4, Off-Street Parking Requirements; provided however, there shall be no off-street parking requirements for nonresidential uses in developments for the first five thousand (5,000) square feet of area dedicated for nonresidential uses, not including restaurants and bars which shall follow the parking requirements of Article 3, Part 4, and further provided that the off-street parking requirement for office uses shall be one (1) space per 600 square feet (excluding halls, stairwells, storage/elevator shafts and bathrooms). There are no off-street loading requirements for nonresidential uses.

Sec. 54-299.4. - Height, area and setback regulations.

The height, area and setback regulations for the MU-1/WH and MU-2/WH districts are listed under Article 3, Part 1, Table 3.1: Height, Area and Setback Regulations.

Sec. 54-299.5. - Affordable/Workforce Housing Account.

There is hereby created a City of Charleston Affordable/Workforce Housing Account. Fees contributed to the account per Sec. 54-299.2(c), along with all interest earnings, shall be used solely for the purpose of creating and/or improving workforce and/or affordable housing, including but not limited to improving or redeveloping existing housing stock, the acquisition of land, costs and fees for design and construction of affordable housing, and loans or grants to affordable housing providers. The terms of any assistance shall be developed by the City of Charleston Department of Housing and Community Development, or its successor, and approved by City Council.

Sec. 54-299.6. - Existing MU-1/WH and MU-2/WH classifications.

Properties with the zoning classification of MU-1/WH or MU-2/WH as of January 10, 2017, or for which an application has been filed for a rezoning to either these classifications, as of January 10, 2017 and which is thereafter approved by City Council, shall be governed by the provisions of this Article except as follows:

- a. Sec. 54-299.2 (b): First paragraph: the number of owner occupied workforce housing units, and/or rental workforce housing units, shall be no less than fifteen (15%) percent of the number of units in the development, rounded up to the next whole number.
- b. Sec. 54-299.2 (c): Fee payment in lieu of workforce rental units is optional. If the fee in lieu option is selected, the fee, per unit shall be a sum equal to the number of gross square footage in the development, whether residential, retail, commercial or otherwise, and inclusive of all heated and unheated spaces (but excluding parking garages) multiplied by \$3.40, then divided by the number of required workforce units in the development (calculated at a 15% requirement). Square footage initially used solely as a grocery store or pharmacy may be excluded from gross square footage for purposes of calculating the fee; provided however, if at any time during the period of twenty-five (25) years after the issuance of a certificate of occupancy for the development, the use of the square footage as a grocery store or pharmacy lapses for a period of twelve (12) consecutive months, or is utilized for any other purpose, the then owner of the development shall be required, as a condition of occupancy of such space, to pay a sum equal to the difference between fee per unit that would have been payable had the space not been excluded from the per unit calculation and the fee per unit initially paid.

If a certificate of occupancy has been issued for the development or applicable phase, the fee per unit shall be prorated to account for the number of months the unit has already been subject to rental workforce housing covenants.
- c. Sec. 54-299.2 (f) (i)-(iii): The term of affordability shall be no less than ten (10) years.

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2017, and in the ____th Year of the Independence of the United States of America

John J. Tecklenburg
Mayor, City of Charleston

ATTEST:

Vanessa Turner Maybank
Clerk of Council

**CITY OF CHARLESTON
PLANNING COMMISSION**

April 19, 2017

Ordinance Amendment 3 :

Request approval to amend Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) by amending Section 54-220 (b) (1) pertaining to the list of criteria considered for an exception to be granted by the Board of Zoning Appeals for an accommodations use within the Accommodations Overlay Zone.

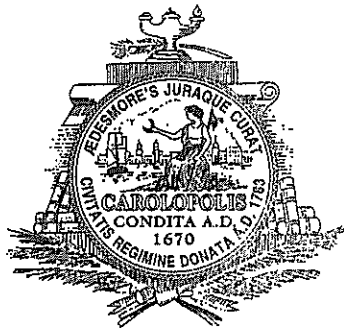
BACKGROUND

The attached ordinance was presented to City Council in 2016 and no action was taken at that time. Some revisions are in progress and will be presented to the Planning Commission for discussion.

STAFF RECOMMENDATION

The proposed ordinance will be presented in detail for discussion but no action by Planning Commission is expected at this time.

41.)



Ratification
Number _____

AN ORDINANCE

TO AMEND CHAPTER 54 OF THE CODE OF THE CITY OF CHARLESTON (ZONING ORDINANCE) BY AMENDING SECTION 54-220 ACCOMMODATIONS OVERLAY ZONE, BY INSERTING LANGUAGE TO PRESERVE MIXED-USE DISTRICTS: PROHIBIT THE DISPLACEMENT OF HOUSING BY ACCOMMODATIONS AND CONSIDER THE EFFECTS OF HOUSING UNITS TO BE ALTERED OR REPLACED ON THE HOUSING STOCK AND WHETHER REQUIREMENTS TO PROTECT THE AFFORDABILITY OF THE HOUSING UNITS SHOULD BE ATTACHED TO AN ACCOMMODATIONS SPECIAL EXCEPTION APPROVAL; PROHIBIT THE DISPLACEMENT OR REDUCTION OF OFFICE SPACE BY ACCOMMODATIONS TO BE LOCATED WITHIN AREAS ON THE PENINSULA DESIGNATED "A-1" ON THE ACCOMMODATIONS OVERLAY ZONING MAP AND ON STREETS WITH OFFICE USE AS A PREDOMINANT USE; PROHIBIT THE DISPLACEMENT OF MORE THAN 25 PERCENT OF GROUND FLOOR, STORE FRONT RETAIL SPACE BY ACCOMMODATIONS USES ON STREETS WITH GROUND FLOOR, STORE FRONT RETAIL AS A DOMINANT USE; PROHIBIT AN OVERCONCENTRATION OF ACCOMMODATIONS UNITS WITHIN AREAS ON THE PENINSULA DESIGNATED "A-1" ON THE ACCOMMODATIONS OVERLAY ZONING MAP; AMEND REVISED SUBSECTION B. 1. (G) BY DELETING WORDING REGARDING PEDESTRIAN ACTIVITY AND TRANSIT SYSTEM USAGE AND INSERTING LANGUAGE REGARDING THE LOCATION AND DESIGN OF GUEST DROP OFF AND PICK UP AREAS; AND AMEND REVISED SUBSECTION B. 1. (H) 15 TO REQUIRE ADDITIONAL INFORMATION ON PARKING AND PUBLIC TRANSIT PROVISIONS FOR EMPLOYEES. **(AS AMENDED)**

BE IT ORDAINED BY THE MAYOR AND COUNCILMEMBERS OF CHARLESTON, IN CITY COUNCIL ASSEMBLED:

Section 1. That Section 54-220 of Chapter 54 of the Code of the City of Charleston (Zoning Ordinance) is hereby amended by deleting text shown below with a ~~strike through~~ and adding text shown below with a double-underline:

"Sec. 54-220. - Accommodations overlay zone.

- a. Intent. The A Overlay Zone is intended to identify those areas within the City limits where accommodation uses are allowed. Accommodation uses are prohibited except within the A Overlay Zone, with the exception of bed and breakfasts that are approved in accordance with the provisions of Section 54-208 or 54-208.1, and short term rentals that are approved in accordance with the provisions of Section 54-227. The City places a high value on the preservation of the character of its residential neighborhoods and its mixed-use districts. Potential negative impacts affecting residential neighborhoods shall be avoided or minimized to the greatest extent possible.
- b. Permitted uses. In any Accommodation overlay zoning district, land may be used and buildings or structures may be erected, altered or used for any purpose allowed by the underlying zoning district as listed in Article 2: Part 3, and the following uses subject to the approval of the Board of Zoning Appeals:
1. Accommodation uses. The Board of Zoning Appeals may permit accommodation uses as an exception where it finds that:
 - (a) the facility will not displace ~~elimination~~ of housing units by the proposed facility from the property and, if existing housing are to be altered or replaced on the property, will not adversely affect the existing housing stock;
 - (b) the facility, if located on the peninsula within areas designated "A-1" on the Accommodations Overlay zoning map on a commercial street where the

predominate use on the commercial street within 500 feet of the facility is offices,

will not reduce or displace office space;

(c) the facility will not displace more than 25% of the linear frontage of existing

ground floor storefront retail space on streets with retail store fronts as a

dominant use;

(d) the location of the facility will not significantly increase automobile traffic on streets within residential neighborhoods;

(e) the total square footage of interior and exterior floor area for restaurant and bar space in the proposed facility, including restaurant/bar patron use areas, bar areas, kitchen, storage, and bathroom facilities, shall not exceed 12 percent of the total interior, conditioned floor area in the facility, except that each facility shall be permitted to exempt from the calculation of total restaurant floor area one interior, ground floor restaurant tenant space if the total tenant space does not exceed 2,000 square feet, the restaurant tenant does not serve alcoholic beverages, and the exempt restaurant tenant space is clearly labeled with these restrictions on the floor plans submitted with the application for this zoning special exception;

(f) the proposed use is otherwise in character with the immediate neighborhood and,
if located within the area designated "A-1" on the Accommodations Overlay
zoning map, will not be located on a property that adjoins another property with

an existing accommodations use or a vested approval for an accommodations use
and will not share any facilities with any other accommodations use;

(g) the location and design of the proposed ~~facility~~ guest drop off and pick up area(s)
~~will facilitate pedestrian activity and encourage transit system usage within the~~
~~peninsula~~ is safe and appropriate; and

(h) in making these findings, the Board of Zoning Appeals shall consider the
following information to be provided by the applicant in site plans, floor plans,
building elevations, and a detailed written assessment report to be submitted with
the application:

(1) the number of existing housing units on the property, including units on the
property that were occupied as housing units within the last 5 years, ~~to be~~
~~displaced by~~ the type of unit (rental or owner-occupied; single-family, duplex
or multi-family; occupied or unoccupied), ~~by income range,~~ the rental price
for rental units and market price for owner occupied units relative to the
median area income figures that are determined annually by the U.S.
Department of Housing and Community Development and adjusted by the
City of Charleston Department of Housing and Community Development, or
its successor, ~~the~~ and by physical condition of the units (sound, deficient,
deteriorated or dilapidated), and whether units are to be displaced, physically
altered or replaced on the property;

- (2) the effect of the ~~displacement~~ physical alteration or replacement ~~on the total available housing stock and on the housing stock of a particular type and income range in the service area~~ and whether a condition should be attached to a special exception approval for the accommodations use requiring a minimum percentage of the housing units on the property to remain affordable based on the annually updated median area income values;
- (3) the presence of office space on the property or the presence of spaces on the property that were occupied as office spaces within the last 5 years;
- (4) the linear frontage of existing groundfloor storefront retail space on the property on streets with groundfloor retail storefront spaces as a dominant use;
- (5) the location and design of guest drop off and pick up areas for the facility,
- (6) the number of vehicle trips generated by the facility and the traffic circulation pattern serving the facility and efforts made to minimize traffic impacts;
- (7) the distance of the main entrance and parking entrance of the facility from a road classified as an arterial or collector road;
- (8) the development pattern and predominant land uses within five hundred feet (500') of the facility and, for a facility to be located on a property within the area designated "A-1" on the Accommodations Overlay zoning map, the

presence of existing or vested accommodations uses on an adjoining property;

- (9) the proximity of residential neighborhoods to the facility;
- (10) the accessory uses proposed for the facility in terms of the size, impact on parking, and impact on traffic generation;
- (11) the demonstrated provision of off-street parking at the rate of two spaces that meet the design requirements of Sec. 54-318 for each three sleeping units;
- (12) the presence of industrial uses and uses which use, store, or produce toxic or hazardous materials in quantities in excess of those specified by the EPA listing of toxic and hazardous materials, within five hundred feet (500') of the facility;
- (13) the commitment to environmental sustainability and recycling;
- (14) the distance of the facility from major tourist attractions;
- (15) the distance of the facility from existing or planned transit facilities;
- (16) the long term provision of on- or off-site parking for employees who drive vehicles to work, including an estimate of the number of employees that will drive to work during the maximum shift and the location of parking spaces to be provided; and the demonstrated provision of free transit passes or other incentives to encourage employee use of public transportation;

(17) the location of the proposed facility will contribute to the creation of a diverse mixed-use community;

(18) the number of rooms in the facility; provided however that the number of rooms in a facility shall not exceed 50 in areas designated "A-1" on the zoning map; 180 in areas designated "A-2" on the zoning map; 225 in areas designated "A-3" on the zoning map; 100 in areas designated "A-4" on the zoning map; 150 in areas designated "A-5" on the zoning map; and 69 in areas designated "A-6" on the zoning map; ~~and further provided that within the portion of the area designated "A-1" bounded by King Street on the west, Meeting Street on the east, Mary Street on the south and Line Street on the north, the number of rooms in a facility may exceed 50 if the facility is a full-service hotel that provides 20,000 or more square feet of meeting and conference space, and an on-site restaurant that serves breakfast, lunch and dinner seven days a week;~~

(19) the provision of shuttle bus services to and from the historic district by facilities with more than 50 rooms located outside the area designated "A-1" through "A-6" on the zoning map ~~and not served by public transit;~~

(20) the commitment to make affirmative, good faith efforts to see that construction and procurement opportunities are available to DBEs (disadvantaged business enterprise) and WBEs (women business enterprise)

as outlined in Section 2-267 (D)(1), (2), and (3) of the Code of the City of Charleston;

(21) the commitment to make affirmative, good faith efforts to hire personnel, representative of the population of the Charleston community, at all employment levels. “

Section 2. This Ordinance shall become effective upon ratification.

Ratified in City Council this ____ day of _____ in the Year of Our Lord, 2016, and in the ____ Year of the Independence of the United States of America

John J. Tecklenburg, Mayor

ATTEST:

Clerk of Council